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ART. I.—THE INDO-GERMANIC MYTH.

A witty Teuton has compared the mental process of his fellow-countrymen to the boiling of a kettle.

There is first, he says, much hidden activity, a world of indefatigable diligence among the molecules, as they hurry hither and thither, imbibing caloric. This continues, either quite silently, or with hardly perceptible murmuring, till all suddenly breaks into ebullition and confusion, and rises in masses of white steam. The kettle has boiled over.

This comparison he has fortified by many historical instances; but still better illustrations could probably be gleaned from the fields of philology and Oriental research.

There is, to begin with, the case of the Homeric poems. With incredible industry, a renowned scholar set himself to study their language, their form, the range of ideas and knowledge they indicated. He analysed and numbered everything, almost going so far as to count the syllables. Among other discoveries, he found that there was, in the poems, no very clear idea of writing; no unequivocal mention of literary art. During all this strained research, the temperature had been steadily rising; and presently the inevitable ebullition came.

From the very interesting observation that the epics were distinctly weak on the subject of letters, the busy scholar jumped to the general conclusion that the Greeks were altogether ignorant of writing some eight or nine centuries before our era.

Another Teutonic philosopher, dazzled by this brilliant result, immediately set to work to apply the same method to India; he also manifested entirely praiseworthy industry in research, wending his way unwearied over mountains of mythology, through forests of philosophy and theological thickets. But he also was subject to the laws of specific heat and aeriform pressure. In his case the steam took the form of a pronouncement that the Indians were ignorant for several centuries longer than the Greeks, and that the Sages of the Seven Rivers were, therefore, under the necessity of carrying their colossal literature in their hands; nay, that they were

even experts in mental philology, and had evolved a whole system of phonetics with vowels and consonants and breathings, sonants and surds, without ever writing a syllable of it down.

Then came time's revenges. Not by high Teutonic subjectivity, but by solidest and most common place observation, it was discovered that, eight or nine centuries before our era, not only were the Hellenes not blameless of writing, but at that very time all kinds of adventurers and mercenaries were so familiar with letters that they put in their spare time carving their names on Egyptian monuments—which certainly shows a very high degree of literary culture indeed.

And, to the great relief of the Indian Sages, it was shown that, if they borrowed their writing from a Western source, they must have done so even before the Greek mercenaries embellished Abu Simbel; while, if they evolved the letters of the gods out of their own inner consciousness, they must have brought the process pretty well to completion some three thousand years ago.

Then there is the famous myth of the Indo-Germans. Following a suggestion of the talented English knight, who gave 'Sacotala' to the Western world, certain industrious Teutons set to work to explore the relations between the 'Sungskreet' of the Brahmans and the classical tongues, to which were soon added the Keltic, the speech of the Goths, the antique idiom of the Lithuanians. Joyfully toiling at their task, they found all kinds and degrees of proximity, the parentage of particles, kinship among conjunctions, a close brotherhood of nouns and verbs. After years of honest labour, they had brought their discoveries well nigh to a close, when, as ill luck would have it, the critical temperature was reached. Their race destiny compelled them to obscure their results, to muffle them in mystery,—to wrap them up in an altogether misleading name.

Having assured themselves of Sanskrit's consanguinity not only with Latin and Greek and Keltic, but also with the old Teutonic, Lithuanian, and Slavonic tongues, with the ancient language of the Avesta, and, through these, with a score of modern forms of speech, they had to express this great discovery in a name. They invented a new word—, 'Indo-Germanic,' and therewith baptised the whole family, from the Delta of the Mahanadi to Cape St. Vincent, sometimes including even the American Colonies, North and South.

Why 'Indo-Germanic?' Why not Indo-Persic, Indo-Hellenic Indo-Romanic, Indo-Keltic, Indo-Gothic, Indo-Lethic, or Indo-Slavonic? An American scholar used to affirm, in his caustic way, that it was through an imperious necessity of con-

necting their own name with the discovery ; and not their very own name even then, but a nick-name given them by their Roman conquerors. If he had been acquainted with the analysis of Teutonic mentality, he would have seen that this is not the real reason at all ; it was simply that the kettle of the Fatherland had boiled over.

As the steam grew denser, and the gleam of the firelight caught it, the 'Indo-Germanic' seers began to behold the faint outlines of a charming idyllic picture in the white clouds. Far away in the Morning Land they perceived, with prophetic insight, a fair upland valley, the fruitful home of the great progenitor of all the 'Indo-Germans' ; they even caught an echo of his name—Father Indicus, and the sweet designation of his spouse—Mother Germanica.

The old man, grey-headed, resolute, was sending forth his offspring ; Frau Germanica stood in the doorway, vainly trying to keep back her tears. As they were looking at the white cloud that held the picture from varied directions, the Teutonic seers could not make up their minds who first, who last, departed from that happy valley. At any rate, by the time Father Indicus had got well on with his dismissings, most of the boys were gone ; Hellenicus, Italicus, Kelticus had certainly disappeared ; and Teutonicus and Lithuanio-Slavicus were not long in following. There remained only their sister, Fraulein Indica, for whom was reserved a special blessing. She waited, lingering in the ancestral hamlet, till the clock struck 1500 B. C., and then, kissing her hand to her mother, and nodding gaily to papa, she tripped down the slopes of the Hindu-Kush, regardless of ice and snow, and arrived in the land of the Seven Rivers just in time to set on foot a campaign against the hundred cities of the Dasyus, and to teach the Seven Seers to warble Vedic lays.

It is not quite clear whether the person named Iranius was really a younger brother whom Miss Indica took with her ; or was a youth with whom she had been keeping company in the happy valley ; or, again, a mere adventurer and outsider in perpetual difficulties with his sibilants, whom she picked up somewhere among the mountains. It is even hinted that he called her Miss Hindica, and it is quite certain that he used to say hapta instead of sapta, for seven ; but then, on the other hand, Master Hellenicus did much the same.

And this raises a whole series of questions. Was the table-talk of the paternal hamlet quite uniform, or were divergencies of speech already incipient in the happy valley ? Did young Teutonicus say : Good-bye, Mutter, while Italicus and Indica said : Good-bye, Mater, or Matar ; Hellenicus at the same time murmuring : Farewell, Meter ? Did they, thereupon,

animadvert upon each other's faulty pronunciation? Did this cause a coolness, and confirm them each in his own way? and was it mere obstinacy that prompted Teutonicus relentlessly to use up all his surds before the others had got well into their sonants.

Unhappily the white cloud faded before all these points could be satisfactorily decided.

However, the divine vision had lasted long enough to give the Indo-Germanic philosophers a firm subjective basis for future investigation and research: and the work went strenuously on. With much rigour and vigour were elevated theories of successive immigrations; clearly marked periods of union, communion, separation and dissipation were discerned; kinships of all degrees were settled, from the closest consanguinity to the most distant third cousinship: and the epic of the foremost peoples in the world was composed, this time not without the aid of writing.

When the step from the affinities of 'Indo-Germanic' speech to the brotherhood of 'Indo-Germanic' speakers had once been taken, these Indo-Germans began to make their appearance with unfailing regularity in every work that pretended to be up to date. Then, somewhat gradually, in the spirit of the great innovator, time, a change began to come over the new epic. For though the entire excellence of this title of Indo-German was at once perceived and fully recognised within the bounds of the Fatherland, still inchoate but full of young life and vigour in those early days, it was not so kindly received across the Rhine, or to the east of the Vistula, or on the superior side of the Channel; and the propriety of looking out for a new name began to be felt on all sides.

It was discovered that the progeny of Fraülein Indica had been in the habit of calling themselves Arya,—that is, noble, respectable, proper, well-born, or, as we should say, gentlemen; and this, more especially when they desired to contrast themselves and their own sterling excellence with the general worthlessness of their enemies, the afore-mentioned Dasyus of the hundred cities, whom they called slaves, or low fellows, or black skins,—as in a well-known Vedic verse,—again, as we should say, niggers.

Now it was at once seen that there was the making of a far better name than the somewhat invidious 'Indo-German'; or, rather, this was seen everywhere outside the Fatherland, where the older term is still steadily adhered to, with a certain bland wonder that anyone should find it unfitting or less than perfectly admirable. And thereupon all the old forefathers of the hamlet's progeny, all the speakers of 'Indo-Germanic' tongues, were turned into 'Aryans,'—excepting only such of the said

speakers as could be proved to have borrowed the said tongues so recently or so unskillfully as to be easily found out and made to stand and deliver. For at that time no one thought of suggesting that such shameless purloining of language might have taken place in the days of 'Indo-Germanic' unions; everyone felt that the ancient Aryans must be above suspicion.

And in this way 'the Aryans' increased and multiplied and subdued the earth, marching up the hill of fame, like the king of France in the nursery rhyme. They began to enjoy an unrivalled popularity in every work on philology, or philosophy, or anthropology that had any claim at all to reflect the latest wisdom of the time. We were met on every page by eulogies on the superiority of 'the Aryans', the excellent wisdom of 'the Aryans,' their unrivalled subjectivity, their high culture, their great civilisation and inherent rights to dominate all 'non-Aryan' peoples. We were even told, in all seriousness, that the 'Aryan' brain was not only of greater specific capacity than the kephalic content of the 'non-Aryan'; but that it further possessed the wonderful property of expanding and developing for several years, after the 'non-Aryan' cranium had reached a condition of hopeless rigidity.

Sometimes one felt greatly puzzled to account for these unmeasured encomiums addressed to 'the Aryans,' beloved of gods and men, 'until it became evident that a solution of this difficulty could be reached only by solving the problem precedent—who exactly 'the Aryans' were, on whom these high praises were lavished.

There were only broad generalities in these so-called 'Aryan' works on philology and philosophy; no quite precise and definite statements. Yet one began to read the enigma between the lines. It was clear that all the world was divided into 'Aryans' and 'everyone else'; and that, primarily, the better part, 'the Aryans,' were our own very worshipful selves. At first this was a little hard to credit. No one would willingly believe that the great 'Aryan' exegetics were really burning incense at their own shrines. Yet a thorough study of the works of the 'Indo-Germanic' and 'Aryan' periods leaves this conclusion really problematic. No doubt, we are 'the Aryans,' and wisdom will die with us.

The learned of the great Teutonic nation, in their large humility, went a little further. Always looking somewhat coldly on the title 'Aryan', they wrote, at most, 'Aryans or Indo-Germans'; more frequently still, 'Indo-Germans or Aryans'; oftenest of all, simply 'Indo-Germans,' in the good old style of the early days. In due time, one can hardly doubt, we should have come to Germano-Indians, with the distinct gloss that the Indians alluded to were the men of long ago, whose

laurels had turned to dust in the far-away Vedic days, while the Germans, the only genuine children of the Father Indo-Germanicus, were the Germans of to-day, the bays of Sadowa and Sedan still green about their brows.

The Teutonic philosophers do not insist on this; but they say it in their hearts with suave assurance; and their greatest modern hero went so far as to say, the other day, that this was divinely intended from the beginning; that Herr Gott had given his Germans an inherent superiority, so that they stood in a masculine relation to the other Indo-Germanic peoples, such feminine weaklings as the Kelts and Slaves. Was the octogenarian unconsciously quoting, by some far-off thought-reverberation, from early Indo-Germanic days, the famous Vedic hymn in praise of the Sky-lord: "Indra bestowed horses, he bestowed the sun, he bestowed the much-nourishing cow, he bestowed golden wealth; putting the enemy to confusion, he protected the Aryan colour?"

Clearly the appropriation of the skyey powers is a genuine 'Indo-Germanic' characteristic, yet one doubts whether the only authentic 'Aryans' of to-day would be so sincerely interested in milk. Or was the 'much-nourishing cow' merely a symbol, a solar-mythological synonym for malt and hops?

From this latest 'Aryan' utterance, it becomes clear that the earliest 'Indo-Germanic' seers were at fault in their prophetic insight; they were the victims of double, even multiple, vision. For there was evidently only one boy in the happy family, and the kindred of Master Germanicus were all girls.

Thus, as we have said, the 'Aryan Indo-German' marched up the hill of fame. Then, almost imperceptibly, came a period of transition and change. The hymns to the new chosen people, the god-beloved 'Aryans,' grew gradually weaker and fainter, less triumphantly self-confident. And to-day they have become so subdued that one may say they have ceased altogether; their echoes only linger in a few lectures and books, the fruit of studies initiated in a by-gone generation. Outside these rare survivals, all eulogy and encomium, all incense-burning at the 'Aryan' shrine, has come to an end; the 'Indo-Germanic' oracles are dumb.

This phenomenon of silence, like that former one of eloquent praise, was, in the words of the Chhandogya Upanishad, not without a root. And the root of it was this; people suddenly woke up to the fact that, though everyone had been talking about the 'Aryans', the 'Indo-Germans', nobody had any clear idea at all who those doughty heroes were. Even if the definition, 'the Aryans' are our worshipful selves; had won plenary acceptance, the case was hardly any better; for, in the hills of the Sorbonne, it was found to bear one meaning; among

the hills of Heidelberg, another, quite different, even quite irreconcilable ; and, on the Cam and Isis, yet another. And thus, by tacit understanding, the trumpets of 'the Aryans' were blown no more.

How did it happen that 'the Indo-Germans' thus marched down the hill again, under cover of darkness and silence ?

It was somewhat in this wise. A school of observers grew up who had, perhaps, never heard of the doughty 'Aryans,' or had listened only with half-hearkening ear ; who were far more enamoured of mere outward investigation than of unrivalled subjectivity ; who held Father Indicus and his spouse in light esteem. These mere outward observers began, among other activities, to look at the children of men with a more critical eye.

From looking, somewhat after the fashion of Celia and Oliver, they fell to measuring ; from measuring, to examining colours of skin and sections of hair, average heights, and orbital indices ; from examining, they fell to classifying the sons of men according to the results of their measurings. And they found, what one is very likely to find in most corners of this wide universe of ours, that there was all-embracing variety everywhere, a variety tempered by a wide uniformity. And, further, they discovered that this universal diversity in unity was so graduated that one could find, among the much measured children of men, certain great groups with broad resemblances between their members ; and, within these, many lesser groups, whose affinities were more definite and complete. Quite regardless of 'Indo-Germanic' unity, of all the fruit of unrivalled subjectivity, they thus measured and mapped the peoples, pretty well all the way from Cape St. Vincent back to the Mahanadi Delta, and drew certain general statements from their results.

When these statements came to be examined, all men were constrained to confess, even the proudest scions of 'Indo-Germanic' purity, that outward observation showed very little in common with unrivalled subjectivity ; nay, even put the work of unrivalled subjectivity to open confusion. The sacred land of the Aryans was broken up and delivered to all kinds of barbarian tribes. Even in Europe—the stronghold of 'our worshipful selves', and therefore most authentically 'Indo-Germanic'—they discovered not one, but at least four great races, with irreconcilable divergencies that had remained fixed and constant from a period long before the hour of destiny, 1500 B. C. And this diversity of the four races was found among the very 'Aryans' themselves, the guaranteed offspring of the happy valley, after all interloping tribes, such as Lapps and Finns, Basques and Huns, Jews, Turks, and infidels, who had never had any claim to 'Indo-Germanic' election, had been set aside.

They found, as we have said, at least four distinct races among the god-beloved 'Aryans' of Europe. There was first a race of golden-haired, blue-eyed giants, whose proper home was Scandinavia and the Baltic shores. And from this race, they discovered, was chiefly drawn the Teutonic nobility.

Here, one would have thought, were the authentic 'Aryans' beyond all doubt, the true warrant for that heroic octogenarian asserter of Germanic masculinity. But unhappily it was found that these same long-skulled giants had hovered round the Baltic long before Father Indicus was born; and certain other discoveries, as to their habit of dispensing with cookery, their predilection for shell-fish, and even, it is whispered, anthropophagous affinities, cast the gravest doubts on their claim to represent the newer chosen people.

This discovery as to these golden-haired raw-eaters was received somewhat coldly in the Fatherland, until a way out of the difficulty began to appear. For the outward observers had declared the unity of the great Central European race, a fair-haired or even red-headed people, with grey or brown eyes, who stretched across the middle of the continent, somewhat regardless of linguistic proprieties; for they embraced many of the Slave as well as the Saxons and Gaels,—a whole range of people, who had long been wont to proclaim their antagonism, and superiority over each other.

Not quite so confidently this time, the brown-haired, grey-eyed race was declared to be genuinely 'Aryan'; but ill luck again somewhat ruthlessly supervened. This round-headed, short-skulled people, with their moderate height, somewhat upturned noses, and eyes not always guiltless of obliquity were more and more clearly perceived to bear a fairly close relationship with—one hesitates to say it—with the Mongol and Mongoloid peoples, beginning with the Finns and races of the Volga, and ending with the heathen Chinese! what possible right could these almost avowedly sub-mongoloid peoples have to authentic 'Indo-Germanity'?

Then another great race, in the south and extreme west; very dark, with black hair and eyes. Though their skulls are about the same length, they have much weaker jaws and narrower faces than the Baltic giants, from whom their dark colour and lesser stature seem to separate them quite finally. On the lower Severn, these dark people are called Silurians; in the west of Ireland, they have no very determinate designation; in Spain and Sicily, they begin to distinctly show African affinities, relationship with the races who were once called Hamitic, and who, therefore, can have no affinity at all with the god-born Aryans. Indeed their 'Indo-Germanic' claims have hardly been mooted, perhaps because the science of enlightened ethnology has as yet made little progress among the Welsh hills,

the wilds of Connemara, and the out-of-the-way corners of Portugal Sicily and Spain.

So we come to the last of the four races; those whom people have called Auvergnats or Ligurians, but who still, like the other three, are distinctly in want of a purely ethnical name. Like the Silurians, they are dark, and of small stature, but, unlike them, they have very short, round skulls and orbits; this shows a certain approach to the Central European type, from which, however, they are clearly separated by colour and stature.

An excellent ethnologist has found the first race personified in the Court of Zachdarm, 'cognomine Magnus, quidam sub luna agebat, quinquies mille perdices plumbo confecit;' and an evident type of the second in Professor Teufelsdröckh, whose 'excellent passivity' is no bad imitation of that 'unrivalled Indo-Germanic' subjectivity of which so much used to be said. We should be greatly inclined to nominate, as representatives of the two other races, Don Quixote and Tartarin de Tarascon, were it not that we fear the reproach of a mythopoeia even worse than any that can be laid to the charge of "the united Aryans."

The students who hold to this division proudly claim that it is greatly to be relied on, as the work of simple outwardness and observation, and not of unrivalled subjectivity at all. If it be at all like the truth, as the work of simple outwardness well may, the claims of 'Aryan unity' must sink to rest, falling away into darkness and night; and we must regretfully part with that fair picture that the 'Indo-Germanic' seers beheld of old in the white cloud of steam.

There must be another leave-taking of the children of that happy valley—no longer on the part of Father Indicus and his spouse Germanica. This time it is we ourselves who must bid farewell to the one undoubted boy Germanicus, and to his sisters and sometime brothers, Hellenica, Italica, and the rest.

If the Europeans scarcely be Aryanised, where shall the Iranian and Indian appear? Yet there is a hope, albeit a faint one, in the face of this but too evident diversity among the Aryans; for, perhaps, like the faithful wife of a far-voyaging sailor of Bristol, the Indo-Germanic Fore-Mother bore children of different colours by turns; children whose varying Mongoloid, African, even Anthropophagous affinities left little to be desired in the field of ethnic diversity, though much, perchance, in the domain of patriarchal respectability.

But this theory, our last ray of hope, even Father Indicus—or perhaps most of all Father Indicus—will reject with scorn; so we must, with an unwilling willingness, resign ourselves to the truth that 'Aryan, Indo-Germanic unity' is a dream of the

glorious past; that Hamitic and Mongoloid affinities have won the day. There are 'Aryan' languages, as a valued authority declares, but there are no 'Aryan' peoples. The wild jump from kinship of speech to kinship of blood should never have been made; would, indeed, never have been made, had not the Teutonic kettle boiled over at the very moment of all others when clouds of steam were most dangerous.

Thus the 'Indo-Germanic' myth and forty-thousand ingenious theories marched up the hill, only to march down again, in silence and darkness. Born of unrivalled subjectivity, it has faded away before mere outwardness and observation.

Would we be justified in drawing from this veridical history the conclusion that very much of what in its day passes for irreproachable science is really nothing more than the sheerest myth-making—lauter Mythen-Dichtung, as they say in the 'Indo-Germanic' school?

On the contrary, it seems to us that the true moral of the story is this: that other peoples' kettles may not boil over, simply because they are cold; and therefore quite useless for the decoction of such mental beverages as warm the unrivalled subjectivity of 'Indo-Germanic' man.

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(To be continued.)

ART. II.—RECOLLECTIONS OF AN INDIAN
CIVILIAN.

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CHAPTER IX.

1879—1882.

(Concluded from No. 204, April 1896).

SO ended my incumbency at Agra, without any great event; an honest instalment of average human life in its mingled gloom and brightness, bringing me nearer to the end of my Indian service, with no loss of reputation, perhaps, but with steadily diminishing hopes of prosperity. One of the last public events in which I took part before leaving Agra, was the dinner given at the Club to General Ulysses Grant, ex-President of the United States, where he came attended by Mrs. Grant and a numerous suite of distinguished Americans. At the request of the Committee, I took the chair. There were about one hundred persons present, including His Highness the Maharana of Dholpore; and the illustrious guest of the evening was obliged—must against his will—to address the Company in a speech, replying to one in which I had to propose his health. As we parted, he told me that he hoped to see me some day in his own country. “And if you come to the States, Judge, I’ll put you through,” he was kind enough to say. “But,” he added, “I’ll tell you what I will not do, and that is, embarrass you by making speeches.”

I found that my taking the chair at this dinner had given great umbrage at Head-quarters, where it was considered that I had taken undue precedence of the Commissioner. I had not intended offence, not being even aware that the Commissioner wished to preside; and the whole thing seemed to show that the new L. G. was as adverse to me as any of his predecessors. My prospects of promotion, therefore, appearing to be closed, I began to think it would be better to apply for a vacancy in a place where the extremes of climate were less severe than at Agra, and where the Hill-sanitaria were nearer. I might then pass the few years of service left me, without trying my strength and without long and ever-recurring separations from my wife and family. Agra has never been a Station of exceptional unwholesomeness; but there are few places in the world where the thermometer ranges more widely. I have seen 105 degrees of Fahrenheit in my wife’s room at 11 P. M., and a few months later there has been

frost on the ground, and men driving in top-coats in the middle of the day.

I accordingly applied for a transfer to Meerut or Saharanpore, when either of those more northerly Judgeships should be vacant. In the meantime (March 1879), I visited Allahabad for the opening of the Memorial Hall, lately erected there as a monument to the murdered Mayo. I was requested by the Committee to compose an inscription to be put over the main entrance, and also to write an ode to be sung at the inaugural ceremony, the music selected being that of Rossini's famous composition from *Mosé in Egitto*, usually sung to the words "sul tuo stellato soglio." There was a large and brilliant assembly, and the opening speech by Lord Lytton was as effective and thoughtful as all his public orations. My ode was sung by an amateur chorus of all the best and most cultivated gentlemen and lady singers of that part of India, and it ran as follows :—

" On thee, great Shade ! we call—
Unseen, though still at hand—
To consecrate this Hall
In Thine adopted land :
Long may that honoured name
Bestow its favouring fame,
Mayo !

" While Jumna's water pours
Her tribute to the sea,
Sull may these votive towers
Proclaim our love for thee;
Thy noble life laid low
By treason's felon blow,
Mayo !

" For thou wert of the few
Who conquer Destiny ;
Brave, merciful, and true,
All that a chief should be ;
Hail to the mighty dead
Whose life for us was sped,
Mayo ! "

I fear the lines were not above the low-water level of occasional, but the effect of the singing was good, accompanied by an admirably touched organ that answered their purpose, and pealed along the painted rafters of the Hall in a sufficiently impressive manner.

In due course the transfer to Meerut was effected ; and I left Agra, the scene of so many blighted hopes, secure in the promise of a First Grade Judgeship, which Lord Lytton had obtained for me from the local Government. From financial causes, the creation of this post was expected to be a matter of time, but there was good reason to hope that it would

come to me before the expiry of my thirty-fifth year of service, when, by a rule introduced after the mutiny, senior officers retired, to cause a flow of promotion in the ranks below.

Before leaving Agra, I had the gratification of receiving a spontaneous and unanimous address from the local Bar, expressed in terms far more complimentary than I thought my

* "Your ever courteous manner towards the members of the profession has won for you the esteem of all. It would be out of place for us to commend the zeal and earnestness with which you have discharged the duties of your office ; but we may be permitted to say that . . . the people of this city, and, indeed, of its whole neighbourhood, have reason to be indebted to you for the labour and research which you have bestowed upon the history and archæology of the place."

just due ; but I may, without immodesty, cite the sentences condensed upon the margin, as showing that one from whom nothing was to be hoped or feared, was deemed not undeserving of a kind farewell. * The address, which is one of my most valued possessions, bears the signatures, English or Persian, of four and twenty advocates.

It was in the month of April 1879 that I departed for Meerut, followed, in spite of the heat, by many native friends who testified, by bearing me company for a portion of my journey, that it is not difficult for an alien official to kindle genuine kindness in Asiatic hearts. I parted from them at the Tundla Station with genuine regret and sincere good wishes for their future welfare. The short remnant of my public life was to be passed in scenes where I was less known, and amongst people in whom I could not feel an equal interest.

About this time the gentleman who had done so much to frustrate my chances of success, left India, after filling some of the very highest posts, and our warfare was accomplished. In private we had for the most part been on civil terms, but there was about him an atmosphere in which it was hard to breathe freely ; and he doubtless found the same with me. I once heard an officer of great ability put the matter neatly, and though by no means his equal otherwise, I was here in entire accord. He said :—"I do not think Sir——has much opinion of me ; and I am afraid that I return the compliment." Our differences, as has been seen, were of old standing, caused by irreconcilable habits and principles. Peace be to him ! Since returning to Europe, he has continued to prosper, "going in," as has been said, "for both worlds." He may have improved by age ; if men do not get worse as they grow old, they often become wiser. While in India,

he was always useful when properly inspired, usually failing when left to himself. It was characteristic of him that, on the subject of the local land revenue, he was pronounced "the greatest living authority" by those who found his views on that very subject vague, erroneous, and ultimately confuted by the logic of events.

Another doctrine which this official, when in power amongst us, was particularly prone to push to extremes, was that female infanticide among the Hindus was a cruel and wicked custom, which it was the duty of British rulers to destroy by attacking the expenses of Hindu weddings. Now, there is no doubt that some of the purer and more manly races of Hindus have inherited, from their ancestors, this unsocial custom, while inferior tribes have been led to adopt it because they think it fashionable and aristocratic. The Rajput practice admits of easy explanation; and its adoption by lower classes is probably only a symptom of the common human weakness that leads people to imitate the doings of their superiors. In the former case, the practice, common to all primitive peoples, has been strengthened by pride of race, which makes high-caste men refuse to let their daughters marry persons of lower status, while tribal customs render them sisters to the young men of their own rank, and so deprive them of all hope of marriage, unless their parents can pay down a dowry sufficient to produce bridegrooms of a still higher clan. To translate this into familiar language, it is as if the Baronets of Britain had a rule that their daughters must not marry untitled husbands; or, if, in old Scottish society, it had been held that, while a Macpherson could not marry a Macpherson, without being taxed with incest, she could not take a Lowlander on pain of social degradation. Sooner than have a flock of single women on his hands, a father so situated takes the easier step of not rearing his girl babes. It was hardly a crime, because not considered criminal by those among whom it prevailed. This was represented to the officials of pre-scientific days in India as infanticide caused by marriage expenses; instead of what it really was, a habit arising out of a dread of the incumbrance of a family consisting largely of unprofitable members. And a man like him whom I have named "the Deductive," never abandoned a doctrine that he had once learned from his official seniors and superiors.

The following rough recollection of a trial in the Sessions Court of Muttra will serve to illustrate the difficulties of the Western administrator dealing with an Eastern disorder. I should premise that, when the plan of curtailing marriage expenses was tried, it proved a complete failure; the heads of Rajput society were convened, harangued, and made to

promise reform: weddings were, perhaps, celebrated—for a time—with less extravagance, but the little girls continued to disappear, stifled painlessly at birth no doubt, and with births usually unrecorded. It was then attempted, by some zealous reformers, to make the village watchman report every birth and visit the family from time to time, to see how the infant life prospered, but the vulgar atrocity of such a scheme soon brought it to nought. Our Deductive L. G. then hit upon another plan, which may be called "Moral Reform by tabular return," and which certainly showed great faith in statistics. There was to be a periodical count of babies, village by village: wherever there was found a marked disproportion between the numbers of the sexes, penal police measures would be ordered; and the name of such a village would be entered on a "black list." When a female infant died in one of the villages on that list, and it was presumed that it had been murdered, the family would be proceeded against, and the burden would rest upon the parents of proving their innocence by showing that the child had died a natural death. In the case to which I am now going to refer, the mother made a stout and well-reasoned defence. She produced witnesses who deposed that the child was born when she had fever, that the village medicine-man had been called in, that, when her supply of milk failed, efforts were made to keep the infant alive by feeding it with the milk of cows and goats; and, lastly, that many females had been reared in the family, of whom some were, indeed, forthcoming. The man who practised in the village, a sort of respectable herbalist, was one of the witnesses for the defence: on the other side, the prosecution called attention to the record of the Magistrate, containing the fact that the village was on the list, and the testimony of the Civil Surgeon, who had made a *post mortem* examination of the infant body. I felt so far from justified, that I summoned this Officer, and subjected him to re-examination, as a Sessions Judge is always at liberty to do when he desires to extend the medical evidence taken before the committing officer, though the record of that evidence is made lawful matter by special enactment in ordinary cases. Causing the depositions recorded before me to be read to the Doctor, I proceeded to inquire whether there was anything in the statements so made, which was incompatible with the symptoms disclosed in the autopsy made by himself? He said, No; the child had died of inanition, but the symptoms might have been due to improper food, as well as to food insufficient in quantity: all that he could say was that food had not been absorbed and assimilated. I then explained this evidence to the Assessors (who did not understand English),

asking if they had any other questions to suggest. They answered that they had not, being, indeed, satisfied all along that the mother had never intended to cause her child's death. "Your Honour should know," they added, "that this family belongs to an endogamous clan, and is in no sort of difficulty to obtain husbands for their daughters: why, then, should they kill them?" The prosecution had no answer; it could only be urged that the case had been committed because the death of the child had occurred in a proscribed village. But this was readily explained, as it was at once shown that the village had been put on the list on account of the evil reputation of another tribe, and that this family belonged to some later settlers, who were free from all suspicion. I consequently, concurring with the Assessors, found the poor woman not guilty. But she left the court, bowed in health and spirit, so that the Doctor himself noticed the change in her condition. It can only be hoped that, as knowledge advances, Anglo-Indians will learn how much caution is demanded when foreigners attempt to control the domestic life of a backward people.

With these feelings, I had never been able to sympathise with the well-meaning efforts for the "abolition of this cruel practice:" in other words, for inducing the middle-class Hindus to allow their daughters to grow up by taking engagements from the heads of their communities to celebrate weddings in an inexpensive style. The real difficulty with these poor creatures was—so far, at least, as their girls went—to have any weddings at all. I thought that time and an improved social system might do something; and that, of course, the law must strike on just occasion; but I did not think that an old custom, founded on stern considerations of interest, could be abolished in a day, without creating greater evils.

I have already mentioned some of the other matters as to which we had differed—tenant-rights, permanent-settlements, and female education—and it has been mentioned that, on the latter subject, Sir Sayad Ahmad showed ——'s ideas to be premature, if not utterly impracticable. So we went on through many years of antagonism, in which he always prospered, in spite of his many mistakes; and I only allow myself to say as much as I do now for two reasons. I think it can do nothing but good to show how easily a virtuous and industrious man may do harm if he allows himself to be influenced by unreasoning prejudices; and I deem myself entitled to show that, if I have not done as much in life as I might have done, I have had a long and unequal struggle with a man who was much my senior, and in many respects my superior, and who thought that, in acting and speaking against me, he was doing good service.

Well, at last he was gone; but too late to help me. "The evil that men do lives after them," in a bureaucracy; and my course was determined. Of the next L. G. I need say no more than that he had it in his power to create the First Grade Judgeship, a prize greatly needed for the encouragement of District Judges; and that Lord Lytton had obtained from him a promise that the first vacancy should be offered to me. In the meanwhile, I was settling very comfortably at Meerut, and obtained three months' "privilege leave" to Mussoorie, where my family were spending the hot weather. In July, however, this pleasant holiday came to an end, and I descended to the plains, where the rest of the year passed by in making acquaintance with the place and people. The military society was particularly pleasant, comprising the 15th Hussars and a battalion of the 60th Rifles—now known as "The King's Royal Rifles," if that be any improvement.

The Cabul war was then at its height,* and in December the Ex-Amir, Yakub Khán, was brought to Meerut, as a State prisoner. He was under charge of a political officer with whom I was acquainted, and was assigned quarters in the fine building which had once been the Mess House of the Bengal Artillery. The fallen potentate proved affable, though not—I should judge—possessed of much intelligence or energy. There had been a time when he was generally thought the most distinguished of living Asiatics; if he had ever really deserved that reputation, long imprisonment and his father's ill-treatment must have broken him down. He spoke a little English, and took a fancy to my boy, Frank, who used to help him with his lessons. It seemed droll to see a middle-aged monarch engaged with a spelling-book; and, in the intervals of these studies, the fallen chief could give expression to very truculent feelings. He has long ago removed to Mussoorie, where the climate is doubtless more congenial to mountaineers than Meerut could have ever been.

As to official life at Meerut, it was easy enough. There were two resident European Barristers and some very good pleaders; and I organised a couple of chambers for the former and a library, where all the Bar could meet. There was one outlying District, that of Bulandshahr, where I had once held sway for two years; now greatly glorified, since those days, by the tasteful energy of Mr. Growse. Under recent and very proper arrangements of the High Court, the District Judges had now to hold a sort of Civil circuit, not only visiting any District where they had Session duty, but also inspecting the Subordinate Civil Courts, scrutinising their registers and deposit accounts, and reporting on the state of the administra-

* See Trotter, II, p. 403.

tion generally. This added to our labour, but at the same time made it more active and interesting, besides infusing vitality into the local courts, encouraging good subordinates, and stimulating any who were inclined to take things too easily. The people are understood to dislike the Civil Courts; but I do not think their unpopularity is due to easily avoidable causes; and I believe the native judiciary to be an excellent class of officials. In the Meerut Judgeship, generally, their court-houses were very incommodious, in spite of urgent representations. I hope all has been since rectified.

My diary for 1880 commences in anything but a tone of confidence. The new year opened disastrously with a small conflagration in the drawing-room, while we were at dinner in the next apartment. True, it might have been far worse; for we suffered little damage beyond a sound frightening, some injury to the carpet, and the destruction of some drapery, including four yards of very fine point-lace that had been in the family for a hundred years.

During the winter, we had a visit from a much-valued friend, the Ven. J. Baly, the Archdeacon of Calcutta, and engaged in forming school-boards for the instruction of Christian children, an increasing class for whom no adequate provision then existed. I also enjoyed the society of a very able officer, who had been on Lord Northbrook's staff, and who let me into some of the clique-life of Simla. It was, he said, the fixed principle of the members of that set that the people of India never knew what was good for them; "we" (that is, the Simla officials) "were to show what was really required and to press it upon them." He called my ancient Deductive "India's evil genius;" Lord N. had resisted the influence of him and his like, but the present Viceroy was in danger of succumbing, being more clever than able, and prone to leave to others all work that did not happen to interest him personally. In connection with these revelations—of which I made a note at the time—let me add the following words from Sainte Beuve:—

"The greatest crime in the eyes of every clique and every party is *not to belong to it*. To remain aloof and independent, especially if you have drawn at all near, is to be held an enemy and almost a traitor. . . . It is enough to make the leaders, even if they have no personal spite against you, feel that they are at liberty to treat you without scruple and without justice."

In June Lord Lytton made over charge of his high office to the Marquis of Ripon. The rest of the year passed quietly; my family went to Kasauli, a small health resort on the way to Simla; and I remained at Meerut, an honorary member of the Mess of the Royal Artillery, where I had the use of a good

library of reference. I was elected Chairman of the Wheler Club, where I set on foot various reforms; and I wrote a little for the *Pioneer*, and also for the *Calcutta Review*. The latter part of September was very wet; on the 17th of that month nine inches of rain fell in less than twenty-four hours: the next day was almost equally rainy; the open drain of Meerut—known as “Abu Nala”—would no longer work, and overflowed the streets; the roofs of the houses failed to keep out the storm; in one that some friends of ours occupied, the drawing-room ceiling came down without warning. We did not know that the day was being darkened by a more tragic catastrophe in the Kumaon Hills. The lovely Naini, the summer-capital of the province that clings to the sides of the mountain-basin, at whose foot lies the still lake, was associated in all our thoughts with memories of happy hours of pleasure or anticipations of repose; and it was here that the sudden havoc fell, all the more terrible because of this contrast. About one o'clock in the afternoon, some workmen were engaged in diverting an overflow channel that ran down the north-east side under the Lieutenant-Governor's house, when, in a moment, with an awful uproar, the whole face of the slope came down in a vast wave of shale and rock, carrying before it the workmen and two officers,* by whom they were being directed; as also the interposed walls, trees, houses, gardens; the whole of a crowded hotel; a solid masonry building, once a racquet-court, and now full of wine and provisions, millinery and milliners; and carrying into the agitated bosom of the lake a grove of willows, a solid Hindu Temple, and the whole block of Assembly rooms and library that had long been a public resort on the water's edge. In less than a minute nothing was left in the path of the avalanche, but a wide and ghastly scar: the loss of life was estimated at two hundred.

In youth we expect everything good from change; after the middle of life we learn—if we are at all capable of instruction—that there is nothing like making the best of what we have. For many years I had been fretting to return to Europe, and join in the literary life of London; but now I began to have sad moments as I thought of leaving the land that I had known so long, and the duty that I was just beginning to understand thoroughly. In the summer of 1881, my family being again at Kasauli, I resolved to pay a short visit to Simla as the guest of Dr. Whitley Stokes, Legal Member of the Viceroy's Council, and better known to the world at large as a distinguished Celtic scholar. Believing that the local Lieutenant-Governor would do nothing for my behalf, or that the Trades' Union at Allahabad would never let him, I endeavoured to make sure

* Messrs. L. Taylor and Noad.

of support with the Government of India. On the 7th of June Lord Ripon kindly accorded me an interview, at which I laid the case before him ; pointing out the reasons which rendered it an object of almost vital importance for me to remain a little longer in the service ; that I had been promised the first grade so soon as it could be created, which must now be very soon ; and that it must, virtually, rest with him whether I could remain long enough to secure the necessary promotion, by which a prolongation of service would be necessarily created. "You will otherwise be retired in October 1882?" asked the Viceroy, and I replied, "Yes, unless your Lordship will either apply to the Secretary of State for a few months' extension, or say a word to accelerate the action of the local Government." His reply was not discouraging : he had heard of the case before ; had already seen the papers sent to his Private Secretary in connection with the matter ; and would give it his favourable consideration.

On the 3rd of October I went for the end of the long vacation to Kasauli, where I had the pleasure to find all well. But anxieties were thickening around us. Less than a twelve-month now remained before the fatal day when, unless the Lieutenant-Governor should be pleased to create the first-grade for me, I should have to leave the service under the thirty-five years' rule. My family had long been large and costly ; and I was in no position to provide for them without an official salary. Everything depended on a man, once my friend, who had long shown a character hardened by success, and on whose sense of justice little reliance was to be placed. In April, however, he departed, and his successor proved to be a very different man intellectually and otherwise, one who owed his advance to his own singular abilities, and who has continued, since his return to Europe, to fill a considerable space in the temple of Fame.

A case lodged in the Sub-judge's Court in the autumn of 1881 excited a good deal of interest in India : it arose out of a racing dispute, in the course of which a Mr. K. M. sued Lord William B—for defamation of character by words uttered in a "Lottery" meeting at the Club. Lord William was Military Secretary to the Viceroy, and a popular member of society ; and I was not sorry that the trial should be heard in another Court than mine, especially as he (Lord W.) was a friend of my own, and I thought him in the wrong. After a good deal of argument, in which Calcutta lawyers took part on either side, the Court came to a decision which reflected highly on the wisdom and firmness of the Hindu gentleman who presided. Mr. M., the plaintiff, tendering himself as a witness, deposed that he was not a professional horse-trainer, that he was

merely a private gentleman keeping a few horses for his own amusement. The Court held that, this being so, the words spoken by the defendant, however rash and baseless, were not defamation, being only calculated to injure a professional. Damages were accordingly refused; but, on the other hand, the defendant must pay the costs of a suit which need not have been brought had he been more circumspect. This decision was supported in a long written judgment, in which both parties acquiesced.

Sir Alfred Lyall, K. C. B., assumed charge of the Provinces in April 1882; and I felt that I had at last a chance of fair and sympathetic treatment. He held out hopes of an early arrangement for creating the new grade; and in the meanwhile promised to forward, with a favourable endorsement, the recommendation of the High Court that I should have an extension of six months, which was all that could be possibly requisite. In the meantime, as my health had suffered at Meerut, I obtained the favour of being transferred to Saharanpore, where I had an opportunity of re-visiting the Doon and adjoining health resorts, which had been my home for six years at the outset, long ago. My family took refuge from the heat at Mussoorie, where I was able to pay them short visits from time to time, as the Doon was the outlying District to which the Judge of Saharanpore went for circuit duty.

On the 8th of May, the local Government's letter to the Government of India went to Simla; and I wrote at the same time to the Viceroy's Private Secretary to beg him to recall to his Excellency's recollection the promise of favourable consideration which he had kindly given the year before. But on the 28th of the ensuing month the last hope was disposed of by that gentleman's reply. His Excellency, I was informed, did not see his way to intervening in my behalf, so as to expedite the creation of the First Grade. The other question was not, indeed, for the moment, referred to; but I soon learned from other quarters that the Government of India shrank from any further recommendations of extension of period to "covenanted" officers. Some of the juniors had been complaining so far that one or two members of the House of Commons had taken up the matter; and thus it happened that my case was the first to be affected by the new scruples. I had entered the service under a covenant from the Company; but this, so far from being a ground of adverse action, ought, of course, to have operated in my favour. For the thirty-five years' rule was no part of that covenant, or of the written or customary rules of the service; and all who joined before the Mutiny were equitably entitled to the benefit of the original regulations. But to enforce such rights, we should have had to obtain

injunctions in Chancery, and we were pledged never to sue our employers!

Accordingly I was sacrificed, in spite of the support of my own immediate superiors; and I made over charge as the clock struck 12 at noon on the 3rd October. A short time before had appeared the final Resolution of Government on the poor old Mozafarnagar Settlement.* Had it been accorded within a reasonable time, it might have been of some use. Coming twenty years after the receipt of my report, it was an idle compliment. Three months after I had been driven out, the First Grade was created, and given to a man of no special claims, who duly obtained an extension as holding a new post. At the same time I was gazetted a Companion of the Indian Empire.

CONCLUSION.

On looking back at this record, one hardly dares to hope that it will have power to please. Probably, the first impulse of nine out of ten, if one should have so many readers, will be to ask, why such an unsuccessful life should be related? To such a question only one apology can be offered. Success is a relative term: a boy who throws a stone at an apple so that it falls to the ground, and gets into his pocket, may go home with a sense of success, while his father, missing a pheasant with a fifty guinea breech-loader, must acknowledge failure. The point of my story, if point it is to have, must be that a man of ordinary powers, with a little "poetry" in his nature, can obtain from life the realisation of any reasonable wishes that he may form at starting. And, in using the word "poetry," I would not be understood to mean the gift claimed by incompetent dreamers whose only title to be called poets is that they cannot write prose! I mean youngsters whose outfit includes a certain tenderness of fibre and excitability of imagination which, though it may never amount to a world-kindling, prophesy-giving inspiration, will yet keep them buoyant. Sainte Beuve has told us that in such cases the man survives the dead poet: yet the same subtle critic shows elsewhere that he knew that the poets would not all die. "There are men," he tells us in his essay on Michaud, "who have not enough poetry in them to express it by their skill, or to display it in their very youth; yet this little grain of poetry is not wholly lost. It is like a broken scent-bottle; the spilt essence spreads over the whole substance of the mind, and leaves upon it a faint perfume. Such men long remain young; and are found fresh and inquisitive, agreeable and no wise soured in old age."

* Observation of Government on the care and discrimination with which Messrs. Keene and Colvin worked, and the excellence of the results obtained.—G. R., 7th April, 1882.

Only such men should start in life with clear intentions and a proper ideal of attainment, framed in due proportion to a true estimate of their powers. And it may not be harsh to notice that by intentions and ideals, we must mean more than those gentle aspirations called in French *vellétés*, those feeble, Platonic desires that haunt the brains of romantic lads,—

“The spirit of the years to come
Yearning to mix itself with life.”

However modest be the sense of ability and the corresponding plans, they should be firm and resolute; however coloured by what I here call “poetry,” they must be clear and practical. Now, in the present case, the scheme was neither unreasonable in itself, nor wholly out of proportion to one’s means. Had I started with the ambition to become a great lawyer or a distinguished statesman, I might be justly taxed with well-merited failure. But it would perhaps have led to very little disappointment to have started in life with the desire to become a school-master, a solicitor, or even a mild sort of journalist. The mistake lay in not forming my plan with sufficient clearness, or carrying it out with sufficient determination. When I ventured on the responsibility of refusing the opening offered me at Oxford, I was not altogether in the wrong. Only, when one had taken one’s destiny into one’s own wilful hands, it would have been wiser to do all that one could to complete the shaping of it. One ought to have resolved, in entering upon an Indian career, to pursue it in one of two distinct ways. Without cherishing any ambition of a kind beyond one’s power, one might have fairly proposed to render oneself useful by unquestioning acceptance of all the doctrines and devices of superior authority, and by giving up one’s entire nature, spirit, soul, and body to carrying them out. Or, if this were deemed too great a sacrifice, there was the alternative of blameless, perfunctory, mechanical discharge of unavoidable duty, with a life of self-denial and frugality, and a saving of half one’s pay.

Nevertheless, it may be claimed that, after all due deduction has been made, such an Indian life as has been here briefly related was by no means without its consolations. If the young men who now undertake the various employments that India offers, will take advice from one who has had no small experience, they will make up their minds to find as much happiness as they deserve, to value material prosperity at its proper price, and to recognise the truth that an indispensable part of that price must be the formation and pursuit of a deliberate, insatiable purpose.

“Those who will show themselves either bolder or more devoted to the interests of the people must be destroyed, or

gained at any price. If any party-leaders are found in the Provinces, they must be exterminated, but without recourse to ordinary justice. Let poison do the work." So said Fra Paolo, or Sarpi, the excommunicated Servite, and anti-papal historian of the Council of Trent, whom the papalists attempted to assassinate (1607). Is it a strained analogy to apply his irony to any bureaucracy which destroys, by the poison of misrepresentation, those whom it considers the men of irreconcilable opinions who can be bought?

Or, perhaps, these men too had their price, if the government had been willing to pay it. But they could only be bought by the surrender of selfish politics, and by the adoption of a sincere care for the people.

But that is a price that rulers are seldom willing to pay. The earnest reformer will be of no clique; and the greatest offence against any clique is—not belonging to it. The lives of such men must, as Fra Paolo said, be wrecked, because their existence is a standing obstacle and reproach.

Ah! my brothers, it is for this reason, then, that you wear your masks, and strive to preserve your lives by an affectation of levity that plays your enemies' game.

Autobiography must needs be egotistic; but the writer of these pages is too old to care much for that reproach: if he did, he would not have penned them. Perhaps, after all, a man is not the best judge of his own character, any more than he is of his own cause. Let us end, then, with seeing how it struck a brilliant outsider in 1880, just after Lord Lytton had retired, and when Mr. Aberigh Mackay was delighting two Continents with graceful wit. The following portrait appeared in *Vanity Fair*, in November 1880, not long before the premature death of the accomplished author. Most of the quotations are from a volume of verse that I had then lately published, under the title of "Peepul Leaves." The portrait is obviously idealised, but it deserves to be preserved, if not on account of the subject, yet still by reason of the astonishing grace and lightness of the paint:—

ONE DAY IN INDIA.

BY SIR ALI BABA, K.C.B.

THE JUDGE.

"Yes! he returns—Lyæus is so strong—
To that Greek worship he was taught at school,
Muses and Graces! dance ye to his song,
Smile Phœbus! kiss him, zephyr, soft and cool!"

HE was not dissolved in keys at a crammer's and squirted through a competitive examination. As a boy he went to school in the old-fashioned way, and received some education; afterwards he entered India, like an heir of the house, through the front door of Haileybury. He quite regards India as his legitimate inheritance, and the people

of India as villains regardant, *adscripti glebæ*. His attitude towards the people is strictly feudal ; he is to them the grand seigneur. He will protect them, and punish them ; but he will have nothing in common with them ; he can only regard them *de haut en bas* ; in the course of his duty he may have to sentence them to transportation or death, still there must be no familiarities. To him a native, though anatomically human and sufficient for ancient history and crime, does not appear a person deserving of any right of way beyond the extreme barrier of courtesies. Amid the cobwebs of duplicity and greed, there may be the dim radiance of some divine spark ; but the Judge does not stoop to that close scrutiny required to perceive it.

The Judge is not one to peer into unpleasant places ; he likes to keep two centuries between himself and the black man. Mr. Justice West, the Coryphæus of Codification, takes up a parable of tabors and dancing feet that entrance the Moslem of to-day ; but Rupmati, of long-ruined Mandu, has a deeper interest for Mr. Justice North-West, the Coryphæus of the Taj. Ah ! happy Justice, I often wish I could fade so far away from the present world, "dissolve and quite forget what thou among the *peepul* leaves hast never known, the weariness, the fever," &c.

But though far away from the dulness and fret of our world, the Judge is present in all its gaiety and music. He is conspicuously present, clad in black velvet and soft phrases, bright neckties and jests. Three hill stations claim him as their own ; and his *bon mots* are diffused over the entire basin of the Ganges, from Dehra-Dun to "where boon Bhagirathi comes broadening down from her cradle of snow."

As a *raconteur* the Judge stands alone ; Anglo-India sits at his feet rapt ; the Globe-trotter opens his note-book and marks down "a very remarkable man." The languor of the East has not entered his soul. He has fed himself upon epigrams and sublimated his thoughts with lyric poetry ; he has lived like a chameleon, until everything that is bright in nature has become a part of him. "With thy clear joyance keen, languor cannot be ; shadow of annoyance never came near thee ;" or, if it did, thou didst transfer it immediately to some dear friend, amid profuse expressions of regard and esteem. When the little world of Anglo-India has narrowed round the Judge's heart, he has cut the staylaces and enlarged himself in history, until a hundred generations of men could hardly hold him. He has breathed the cool winds of the Turcoman steppes ; the Arabian desert has expanded his spirit ; he has nestled himself to sleep amidst the luxuries of imperial seraglios like a rose embowered in its own green leaves.

As a cicerone, surrounded by the ruins of Moghul greatness, the whole world of tourists must think of the Judge with wonder and gratitude. While the pictorial words distill from his lips, temple and tower are restored, audience-chamber and courtyard are once more peopled with stately Princes and golden Embassies. Accordingly the Judge is the great depositary of letters of introduction. Sight-seers percolate through the Governors of Bombay and Madras, the Lieutenant-Governors of the Punjab, North-West, Bengal, through the Great Ornamental himself, to the common Guide, Philosopher, and Friend.

When he is on the hills, the severity of the Justice and Historian relaxes in the airy fairness of the Poet : even the caustic wit of the man of the world cools down into humour and compliment. "Smile Phœbus ; kiss him, zephyr, soft and cool."

"Cool !" echoes little Mrs. Lollipop—slangy little Mrs. Lollipop, who *will* look over my shoulder as I write : "cool—let him alone for that." Yet his feelings are warm ; and from warm feelings, surcharged

with a desire to please, flashes forth flattery, lighting up pale faces into crimson blushes and drowsy eyes into lurid brightness. But, of course, he means nothing by it—

“For if such token
Passes for real,
Hearts may be broken,
Blurred the ideal.”

Yet what kind of a poet would he be who, indued in lavender-coloured kid gloves, and paying calls between twelve and two, failed to charm ladies' ears with his “winged splendours?” He knows not to talk of cheese and the wages of Johnpawnees; nor seeks, nor finds he mortal blisses, in the course of an afternoon visit; for everyone is not Mrs. Lollipop. So he goes for the ideal: he feeds on the aerial kisses of shapes that haunt Thought's wildernesses: he conjures up before his mind's eyes forms more real than living woman, and in presence of nine or ten stone of giggling fact, he flatters and caresses a dream.

In idle moments the Judge will saunter into Court, take his place upon the Bench, assume the god, affect to nod, and exchange repartees with the Pleaders. The complaisant police will furnish him with crime to while away a tedious hour or two. The *menu* depends upon the weather. In December there is murder and highway robbery; in June breach of promise and defamation of character. There is almost as great a variety of crime on the banks of a Jumna as on the banks of the Thames. Villagers, who cannot write their own names, come in from remote hamlets to be tried for assault and battery; poor coolies, who would hardly know a missionary if they saw one, travel great distances to answer difficult charges relating to homicide and other curious ethical topics. The interest taken in crime, even by the lowest class of natives, is quite remarkable. Crime is to a poor Indian what religion is to a poor Scotchman. It carries him into a region of speculation remote from his every-day life; it quickens his wits: it is the only elevating influence I know of that touches him vitally. Accordingly the poor Indian regards the Judge with much consideration, as one who can create, out of a mere frolic, offences against the State, offences against property, or offences against the person; as one who can dignify a few playful blows by the title of culpable homicide, or Thuggee and Dacoity, or *mar-pit*, and, above all, as one who dispenses the patronage of the district gaol, and, in some degree of the Andaman Islands. They feel that he can provide for them; that he can appoint them to sinecures in chains, or give them a free passage to Port Blair, with an order for life-long hospitality.

But in spite of the adulation that steams up hot and odorous from the black races, one cannot but regret that so much wit and scholarship should be squandered in a country where Dulness and Toad-eating are supreme. A few bright words in verse, an epigram flashing through a judgment, a sentence of unhackneyed Latin in an official letter would be quite enough in India to damn to obscurity a potential Johnson, Strachey, or Chapman. Even the office of Viceroy could not save from ignominy an eminent man of parts. There is no Government in the Empire so local as not to view with the sternest displeasure any display of those talents which in more favoured lands win success and honour.

But happily in every province there is something better than the Government; there is among the station communities a public opinion that can well afford to laugh at the bray of the *Gazette* and the cackle

of the Secretariat. The poorest of us can see with scornful indifference a witty and amusing friend repeatedly superseded. A Government can render itself ridiculous by ignoring conspicuous talent, but it cannot thus arouse any widespread indignation or inflict a general wound. Yet who could bear the insolence of office and the spurns that patient merit of the unworthy takes, unless he himself had a grievance? One's own fire burns out another's burning: one's own pain is lessened by another's anguish. It gives one heart to fight the common enemy when the magnificoes of wit join our ranks. In a defiant tone we say, with the Syrians, "Our gods are gods of the hills, and therefore they are stronger than we; but let us fight against them in the plains, and surely we shall," &c., &c.

But the Judge is not one of the fighting order. When Government peeps in upon him to see how he bears neglect, it shall burn to find him toying with a magnum of something dry, or climbing trees in the garden of the Hesperides for the golden apples of fancy.—*Vanity Fair*.

ART. III.—FRENCH ADMINISTRATION IN ALGERIA.

A FEW years ago a member of the French Chamber declared the position of his countrymen in Algeria to be unique in the history of the world. The colonizing nations, he said, have treated the original inhabitants of their colonies in one of three ways. They have either exterminated them, as in the United States and Australia ; or they have subjected and exploited them, as in the Dutch and British Indies, or they have assimilated them by marriage and religion, as in Spanish America. In Algeria, he contended, any of these processes would be out of the question. The natives were too numerous and too warlike to be exterminated. If the law-courts did reveal cases of individual 'exploitation,' such cases must remain exceptional and abhorrent to the genius of French civilization. And as regards absorption by marriage or religion, it was sufficient to note that, in the last six years, only twenty-three mixed marriages had been celebrated, while the number of conversions to Christianity was also absolutely insignificant.

There is no doubt that in Algeria, where the Europeans represent barely an eighth of the total population, anything like the methods of extermination or racial absorption is impossible. But one can scarcely dismiss off-hand the possibilities of a system similar to that followed in British India, whether we are pleased, with the honorable Deputy, to call it 'exploitation' or not ; nor can we but observe that the category of colonial systems above presented fails to take account of cases in which the colonists have settled down alongside of an indigenous population, as we have done at the Cape, and in Natal, and elsewhere. For some reasons we should be inclined to see in such colonies as those last mentioned the closest analogies to the French possession in Algeria. The large number of European settlers, the agricultural development of the country by European labour, the predominance of the European language and methods of administration, the elective representation of European interests—these are but a few of the features that would lead us to seek for analogies in our South African colonies rather than in India. At the same time there is, as I shall hope to show, a great deal in the French Government of Algeria which can scarcely fail to be of interest to persons acquainted with our Indian methods of administration, especially in those tracts, such as the Western Punjab, where the country and the people most closely reflect

the circumstances of the French colony. I shall, therefore, in the following rough sketch of the administrative system in Algeria, endeavour to display, so far as I can, the features in the system which present the greatest amount of interest to Indian readers.

It will help, to start with, if I explain that, in area, the French dependency is somewhat larger than the Punjab. The vagueness of the frontier to the South has given rise to variations in the figures supplied ; but the area ordinarily quoted is put down at 184,000 square miles, as against the Punjab area of 149,000. The population, on the other hand, is very much more sparse. When we recollect that India contains 287 millions of people and the Punjab alone 25 millions, it requires a stretch of the imagination to picture to oneself an important dependency which contains but $4\frac{1}{4}$ millions, or somewhat less than the population of the Lahore division only. We find in Algeria a bare 23 persons to the square mile, as against an average of 230 for British India at large, and we have to look for approximate parallels in the wastes of, say, Jhang, with their specific population of 74, or Dera Ismail Khan with 52, or Bahawalpur with 38, in order to realize the small degree of density attained. Roughly speaking, the population to the square mile decreases as you leave the sea coast. The sea littoral is well cultivated, and fairly thickly populated. Then come the so-called 'High Plateaus,' which contain wide stretches of land that are capable of cultivation, though less fertile than the seaboard. And then to the South of these extends the vast expanse of the almost uninhabited Sahara, with its occasional lakes and oases. The country, in fact, illustrates on a large scale the familiar physiography of our Punjab doabs, with their tracts of Bet, Bangar and Bar,—with this modification, however, that the Sahara tract in Algeria is lower and not higher than the central region of the High Plateaus.

The aborigines of this country are represented mainly by the Kabyles, a large and warlike congeries of tribes, inhabiting the mass of mountains which lies East of the city of Algeria. The Kabyles have given the French much trouble, and their rebellions—the latest of which was in 1871—have been put down with relentless severity. They are in many ways distinct from, and superior to, the peoples around them, and the better class of French feel towards them the same sort of admiration that we have felt towards the Sikhs since the Sutlej Campaign of 1845. The Kabyles do not, however, constitute the bulk of the population, and for general purposes it will suffice, when talking of the 'natives' of Algeria, to have in one's mind's eye the Arab tribes—the mixed descendants of the original Maho-

medan invaders—which are spread over the length and breadth of the land from the Sahara to the sea-shore, some of them as mere nomads, others as cultivators of the soil, and others again as merchants and traders in the greater towns. The general characteristics of the Arab tribes are similar to those of the Mahomedan inhabitants of the Western Punjab. They have the same independent manner and stately gait, the same daring horsemanship and gallantry in war, the same hospitality, the same reckless indebtedness, the same intrigue and vindictiveness, the same—perhaps more than the same—passionate attachment to their faith. It was in 1830 that the French first landed in the country; but it was not till Abdel Kadir succumbed, in 1847, that they obtained any hold upon the Arab tribes; and the pacification of the Arabs, like that of the Punjabis, dates from less than fifty years ago.

These Arab 'natives' constitute one great factor in Algerian politics. The colonists constitute the other. India has never been colonized by English agriculturists, nor, *pace* Sir Lepel Griffin, is it likely that any part of our Indian Empire will ever be so colonized. In Algeria, on the other hand, a system of French colonization has been in force from the earliest days of the occupation. The French labourer and the French artizan are to be found everywhere, not only at the sea ports, but also in the remotest parts of the country, in the depths of the mountain tracts and in the oases of the Sahara. An immense area of land has from time to time been granted to French capitalists and agriculturists, and French villages are scattered throughout Algeria. Excluding the army, there are now 270,000 French, and an almost equal number of other Europeans—mostly Spaniards and Italians—living in the country, interspersed in every direction among the $3\frac{1}{2}$ millions of natives. When we recollect that in the whole of British India, among a population of 220 millions, there are only 166,000 Europeans, all told (the army included), it will be at once recognized how important a part, for better or for worse, the colonists of Algeria must play in the administration and development of that country.

It will now be understood wherein lies the crux of Algerian politics. On the one hand there is a numerous population, some centuries behind Europe in civilization, uneducated, unsettled, to a large extent unfriendly, alien to the French in race, religion and sentiment: prepossessed, like all Orientals, in favour of the autocratic system of Government, and averse to anything in the shape of what Europe knows as 'progress.' On the other hand, and living side by side with these, is a crowd of expatriated Europeans, derived for the most part from the most civilized nations in the world, nursed among the most

republican views of Government, the most scientific methods of commerce and agriculture, the most advanced and restless types of modern thought : discontented, like all exiles ; looking to the State for assistance in all their troubles, and very free of their abuse in all their disappointments. How is the country to be governed in a manner that will be suitable alike for the one class and for the other ? How is the same machinery to work harmoniously for the benefit of both the Frenchman and the Arab ? Can one turn his face towards Paris without turning his back on Mecca ? Herein lies, in its most accentuated form, the problem which the Government in India has so often to confront : the problem of governing with one eye on a modern democracy and the other on an old-world, unprogressive Orientalism : the problem, as Sir Alfred Lyall terms it, of setting our clock to two times at once.

It would be unlike the French to have any halting answer to a problem in political theory such as this. Undeterred by present obstacles, they have looked boldly and hopefully into the future, and, with a fearlessness which would take away the breath of an Anglo-Indian, they have fixed for themselves the solution of the whole difficulty. The end and object of the French administration of Algeria, the mission of France in north Africa, is to the French summed up in the word 'assimilation.' The colonists are to be assimilated to France, and the natives are to be assimilated to the colonists. Algeria is no longer to be Africa ; it is to become part and parcel of France, and its inhabitants of all colours, races and creeds are to be fused and amalgamated into the great French nation. This result, it is admitted, will not come to pass at once ; but it will all come in time ; and in this, as in many other administrative and military problems, the French are fond of pointing to the work achieved by the old Roman Empire in the same field. 'Have patience,' they say, 'and Algeria will in time be as much a part of France as Africa and Numidia were parts of Rome.' It is true that, among the colonists themselves and among the local officers, this ideal is often ignored or disowned : the possibility of ultimately assimilating Algeria with France is not ever present with them in the details of their daily work, any more than the possibility of 'granting autonomy to the Indians' affects the current duties of our merchants and magistrates in India. It is true also that there are many who think that things are being pushed too fast, or are not being worked on the right lines. But, among those who guide the general duties of the country, the end which is kept, consciously or unconsciously, in view, is always this same ultimate absorption of Algeria into France.

So far as regards the legislative unity of the two countries, this ideal is only very partially realized by the present system of representation. It is true that Algeria has for a long time been divided into three departments, that each department sends a senator and two deputies to sit in the French assembly, and that no law runs in Algeria which does not emanate from Paris. But the franchise is confined to the colonists: the natives, other than the few who have become naturalized Frenchmen, are still taxed and administered without being in any way represented. Algeria, indeed, is not yet France; and anything like the universal suffrage current in France is, of course, out of the question in Algeria. The French acknowledge that it is impossible, dangerous, preposterous. 'How,' say they, 'can an uneducated proletariat like the Arabs be fit for electoral privileges? Can we allow the turbulent tribesmen to be canvassed by representatives of the extreme right and extreme left, as though they were electors of Rhone or Seine? Can we run the risk of having unkempt marabouts declaiming from their seats in the Palais-Bourbon in favour of slavery and polygamy? No, if the Arab wants to be represented, let him first become assimilated; become a Frenchman. We allow him a vote if he will undergo the formality of being naturalized, and beyond that we cannot go. Unfortunately the Arab does not care about being naturalized. Naturalization is not a mere formality to him. It means, among other things, that he must give up his personal status under Mahomedan law: he must abjure polygamy: if married to more than one wife, he must turn all his wives but one into mistresses, and all their children into bastards: he must practically, in the opinion of his fellow countrymen, give up his religion. Add to this, that naturalization entails liability to military service, and it will be readily understood that there are few enough who are ready, under these circumstances, to claim the privilege. The French system, in fact, debars the native from the franchise, and there is very little chance of this position being abandoned. Some politicians, indeed, would grant the suffrage on a limited educational basis similar to that recently adumbrated in some of the Indian legislative councils—education, of course, meaning French education. Others would work the elections somehow through the existing tribal units. Others, again, while removing some of the disabilities of naturalization, would naturalize Algeria *en bloc*, as Caracalla did the Roman world. But these proposals have little or no support, and after all the great bulk of opinion recognizes the absolute impossibility of granting to the native community any serious representation in the French Assembly.

Whether a colonial legislature could not be framed on a

basis distinct from that of the electorate in France, is another question ; but as the formation of a separate colonial legislature would entail the disfranchisement, so far as the Paris Assembly is concerned, of all the colonists in the country, such a measure bears a somewhat reactionary aspect, and has been relegated to the background of the reform programme. It is on the administrative side that the question of colonial autonomy has chiefly been mooted, and the possible decentralization of the Algeria Executive is just now engaging a good deal of attention. At present the administration is neither that of a colony nor that of three French departments. The three prefects of the departments are subject to the control of a Governor-General, who is supposed to represent the President of the Republic in Algeria. The Governor-General is, however, in his turn subject to all the bureaus of the Home Government : in internal matters he reports to the Minister of the Interior, in matters regarding Public Works to the Public Works Minister, and so forth, occupying, in many respects, the same position of nominal power and real helplessness that a Commissioner in Northern India is often found to hold. He receives from the central bureaus, and has to treat as commands, a number of missives, which he knows to be dictated by the merest understrappers. He finds himself without real initiation, and is tempted to justify his position by meddling unnecessarily in the affairs of his subordinates. He is unable effectively to control his prefects, who know that the real power is at Paris, not at Algiers. He has little or no voice in financial matters, and in fact there is no separate budget for Algeria, each item of receipt or expenditure being classed in connection with the Central Bureau to which it is appropriate. Assailed by an irresponsible press, he must at all times be ready to protect himself in the eyes of the French public ; he is obliged, time after time, to desert his palace at Mustafa Supérieure, and to make his appearance in Paris, in order to 'defend his personality.' He has, moreover, to reckon with deputies and senators, who represent the very areas which he is supposed to govern, and whose influence in the matter of appointments and jobs is often more powerful than his own. And he constantly finds his territory subjected to invasion by Commissions, which are appointed by the Home Legislature, to prowl around Algeria and to report on things in general. Altogether, as things stand, the Governor-General's position is not enviable, or for any purpose effective.

The high and dry assimilators would solve the difficulty by abolishing the post altogether ; and, indeed, the experiment was tried under the Empire for two years, during which the prefects reported directly to Paris : but the results of this centralization

were such as to render a repetition of the experiment unlikely. Others, again, would confine the Governor's power to native questions, but this would only make confusion worse confounded. It is generally felt that assimilation under present circumstances can be pushed too fast, that Algeria should not be drawn unnecessarily into the vortex of French party politics, and that what is wanted is an extension, not a restriction, of the Governor-General's authority. This is the view of a large number of officials, and it is the view of the present Governor-General. But the Governor-General himself is helpless. Finding his orders disregarded by his prefects and his authority undermined by the influence of disputes, he was forced, last winter, to explain to the Chambers that the reform so urgently called for must be initiated in Paris. Let me quote the words of his speech :—

‘ Quand la confiance du Gouvernement m’ appela au Gouvernement de l’ Algérie, on me dit que j’ aurais une double tâche à remplir : faire comprendre aux Arabes que nous les aimons, et reconquérir l’ indépendance de l’ administration. La première partie de cette tâche je l’ ai remplie, mais je n’ ai pas suffisamment réussi dans la seconde. C’ est à la Chambre qu’ il appartient de dire que les fonctionnaires ne doivent tourner les yeux que vers leurs chefs, sinon ils risquent de se transformer en agents politiques et en hommes d’ affaires. Il faut que l’ autorité soit là où est la responsabilité ?

The Chamber, we are told, ‘ vigorously applauded ;’ but we are not told what steps the Chamber has taken to strengthen the Governor's authority. It is not, however, in France alone that decentralization is loved more in the abstract than in the concrete.

In order to effect any real extension of the Governor's power, it will be necessary to make two great administrative changes. In the first place there will have to be in Paris a single office to which he will report ; either the Colonial Office, or a branch of the Bureau of the Interior, or a separate bureau, such as our Indian Office at Westminster. Without this, he will remain under many masters, without real responsibility and without real power. A step in this direction has often been recommended ; but the change would occasion a considerable break of uniformity in the administration of Algeria and the mother country, and there are several subjects, such as justice, education and religion, in which uniform administration is considered by politicians of all classes to be essential. A more formidable measure, but one equally necessary for rehabilitating the post of Governor-General, is the establishment of financial autonomy in Algeria on a basis similar to that adopted in India. It must be remembered that hitherto there has been no distinction in French and Algerian finance : Algeria has no separate budget, no separate debt. France spends annually

on Algeria a good deal more than she receives from it, and it is estimated that Algeria has cost the Home Government from first to last not less than 150 millions sterling. The withdrawal of French assistance would, no doubt, be a serious blow to the Algerian finances; but even a show of autonomy, supported, it may be, by the subventions at which the French are so expert, would not be without its uses, for it would lead to economies not now practised, and it would certainly bring about a large reduction in that army of functionaries—very inferior functionaries for the most part—with which France has deluged her unfortunate colony. It is on these grounds that M. Lannessan, the late Governor of Indo-China, has warmly advocated the administrative autonomy of Algeria. M. Lannessan knows from experience where the shoe pinches, and he knows something of the system under which the English work in India. His proposals, moreover, have a strong backing among the colonists themselves; for, although the French in Algeria would be sorry to see themselves deprived of any of the privileges which they enjoy as part of the French nation, they are at the same time becoming tired of constant interference at the hands of senators and deputies of the mother country—the ‘Roumis’ who, after rapid tours through the colony, are ready to cram their doctrinaire nostrums down the throats of the local administration. If one wants to gain an idea of the manner in which these ‘Paget M.P.s’ make themselves ridiculous before the Algerian public, one has only to turn over the amusing, if somewhat scurrilous, pages of M. Michel Tice’s ‘Kif Kif Haroun-al-Raschid,’ where the zealous senator is found travelling in disguise through the country, and hearing in railway carriages, native villages and elsewhere, a good deal of information which had not previously been dreamt of in his philosophy. The new schemes which are imposed upon the colony from Paris are looked on by the colonists with a good deal of suspicion and contempt: ‘c’est encore une inéptie,’ you hear, ‘qui nous vient de France.’ Resenting as they do this constant interference, the colonists are not disinclined to see such changes as may increase the independence of the colony, and with it that of the Governor-General. It seems not unlikely, therefore, that something will ultimately be done in this direction, and, if so, the change will constitute an admission that, on one line at least, the ‘assimilation’ policy has hitherto been pushed too fast.

Regarding the local council, which assists the Governor-General and the prefects, I need say but little. Their power is practically *nil*, and their functions are for the most part purely consultative. The colonist element preponderates, and

the native members are all appointed. There is not apparently much complaint or much agitation regarding the constitution of these councils; but certain drawbacks have been pointed out, such as those with which we have to put up in the corresponding institutions in India. The native members are sometimes ignorant of French, the language in which proceedings are conducted. They are generally selected from the prominent men in the towns, so that the country interests are often neglected. And they are almost always men of the '*jo hukm*' type, on whose vote the administration may safely count. But, considering the small part which these councils play in the practical management of the country, they appear to serve their purpose well enough.

The fact is that, so far as the Europeans are concerned, the prefects and the Governor-General—the Provincial and Supreme governments, as we might say—have little enough scope; for what is not done by the Home authorities is done by the Local bodies, and, in areas where Europeans predominate, the greatest freedom is given to these local bodies in the exercise of their powers. When the European element is small or non-existent, things are managed otherwise, and the local management is carried on by 'administrators' under the direct control of the prefects. For local government, therefore, the communes into which the country is partitioned, are divided into two classes; the '*communes en plein exercice*' and the '*communes mixtes*.' When it is remembered that the original French system of local government makes no distinction between the rural and urban areas, one is tempted to imagine that the two classes of communes in Algeria may represent roughly the urban and rural governments with which we are familiar in England and India. But the distinction between the two grades of communes is not of this character, nor is it based on size or locality. It is purely a racial distinction. A commune where the Europeans are in large numbers, enjoys full powers: a commune where the Europeans are few or none, is known as a "mixed commune," and has practically no local self-government. When the Europeans in a mixed commune become stronger or more numerous, the commune is transferred to the higher class, and obtains the higher powers. There is no 'Queen's Proclamation' in Algeria, to prevent such racial distinctions from being maintained in name as well as in fact. And, indeed, if we had large agricultural and commercial communities of Europeans scattered over India, in the same way as the French have in Algeria, it is not impossible that some similar distinction would have been found necessary in India; but, having a comparatively minute European community, we are able to conduct the business of the European

municipalities, such as Simla, Darjeeling or Murree, on much the same lines as that of towns in which the native element preponderates, and thus to avoid any semblance of racial disqualifications.

The racial character of the Algerian system is expressly marked by a rule which prevents any native from becoming the 'maire,' or president, of one of these first class communes, or from having any voice in the election of the maire. Seats on the council, however, go by public vote; and, as there is nothing to prevent a native from sitting on the Council, it might be thought that this arrangement would give the natives some real share in local administration and some real training, such as we attempt to give in India, in the art of local self-Government. As if, however, expressly to prevent the possibility of any such results being attained, the law provides that not more than one-third of any Council shall be natives: and what can a handful of natives, in the presence of a majority of French artisans and agriculturists presume to do except to keep silence, and to display what the French call 'mutisme?' The only possible opening, therefore, for the training which our theorists look upon as the *sine quâ non* of Indian local Government, is expressly barred by the French administration; and, indeed, in the whole of the Algerian system there is little or no trace of any attempt to develop the possible capabilities of the native in this direction. It is the old story. The ultimate aim in view is not the autonomy of the country, but its assimilation, and the ways of assimilation have often a very tyrannical air about them.

In other respects the working of these communes 'en plein exercice' calls for little remark. The work achieved is generally good enough: the roads are clean and well kept, the villages and towns are plentifully provided with squares and boulevards, lighting, water, school houses, police-buildings and other requisites; and, if any complaint has to be made in respect of these outward and visible signs of well-being, it would be with regard to the extravagance shown in the construction of public buildings out of all proportion to the public for which they are built. There are, as may well be imagined, innumerable complaints, mostly of a local or personal character, against the management of these communal bodies, but, apart from these, there are a few points on which they still seem to be short of perfection. The staff, for instance, is often excessive, and swallows up sometimes as much as 40 to 50 per cent. of the communal income. The financial arrangements, too, are somewhat anomalous: for although a clean balance sheet is regularly shown, this is very often done on the strength of special State subventions,

which supplement the local budget. The relations of these communes to the native inhabitants also leave much to be desired. We find, for example, not one or two, but scores of instances in which the native population in a first class commune—a commune in which, be it remembered, not more than a third of the councillors can be natives, and in which no native can vote for the election of a maire, or be a maire himself—the native population is ten, twenty, or even a hundred times as large as the European. A commune of this class is always trying to get its boundaries enlarged, and to enclose a greater number of natives. The enlargement is not effected at the instance of the natives, for no native has ever displayed the smallest desire to be transferred from a mixed commune to a commune 'en plein exercice : ' and the arrangement is accounted for by the fact that each native so brought into the commune brings with him two francs of revenue per annum to the communal Exchequer without causing any change in the proportional representation of the natives on the Council. There are not a few of the first class communes whose constitution and finances are based on this fictitious foundation, but, as the matter has attracted some notice of late, it is to be hoped that some change for the better may shortly be inaugurated.

Turning now to the mixed or second class communes, which lie outside the jurisdiction of the communes 'en plein exercice', we find a system of Government somewhat resembling that of our extra-municipal areas in India. The average commune is less in area and a great deal less in population than the average tahsil in Northern India, but the functions of the 'administrator' therein may not inaptly be compared to those of a Collector or Deputy Commissioner in our Indian districts. The administrators are often men of military experience, and they control almost the entire administrative business of the communes. They have hitherto been, as a rule, less acquainted with the Arabic language than they should be, but there has lately been a considerable improvement in this direction. There is, moreover, it is said, a certain amount of laxity permitted in the matter of passing the examinations necessary for appointment, and the transfers of administrators from one commune to another are said to be more frequent than they need be. As a body, however, the administrators appear to be in many ways praiseworthy, and the freedom of action which their duties accord them tends to the attractiveness of the service. They are helped in their work by native assistants, and by the tribal chiefs either singly or in bodies, but the responsibility rests mainly with themselves, and these advisory parties appear to impose but few hindrances on their ad-

ministration. Their work is not perfect, but it is more economical than that of the communes 'en plein exercice,' and more in accord with native theories of Government. Such complaints as are made against it are based rather on the restrictions which the introduction of Civil Government and of French laws has imposed on their authority, than on any excessive or unjust use of their powers. People often look back to the days of the military rule which prevailed in the colony before the introduction of Civil Government, and a remnant of which still survives along the Saharan frontier. In those days the communes were administered by what were known as the *bureaux arabes*, a group of politico-military officers of the worst stamp, venal for the most part, and cruel and rapacious. The politicians, however, were summary in their work ; and ruled in accordance with the native ideas of 'hukumat.' They were undeterred by legal formulae : they sought out crime vigorously and punished it severely. Their strict rule followed immediately after a period of restless anarchy, and the people often look back on their time as a time of contentment and peace, spreading around their memory a myth similar to, though less justifiable than, that which in the Punjab still surrounds the 'patriarchal' administration of the old 'Punjab Code' days. No one, however, now proposes to go back to military administration. It has done its work and had its day. But it is still questioned whether the Civil area has not been extended too fast at the expense of the military, and whether the change in the character of the jurisdiction has not been too sudden. We shall notice below some points in which modifications of the present high and dry procedure have been proposed.

Meantime it will be noticed that in these two classes of communes, we are again confronted with the great antithesis of Algeria, the colonist and the native ; and, before proceeding further, I would say a few words on the character of the colonization which the French have effected in the country. It is a colonization of a different character from that with which we are acquainted in our colonies. It is not a mere spontaneous movement of population from one environment to another. It is an essential part of the work of assimilation which the French have set before themselves in Algeria : a duty which the French as a nation have undertaken, and which they are eager, not as individuals, but as a nation, to carry out. The State has been interested in many ways in the development of this colonization, and it could not have afforded to leave the matter entirely in private hands. To fulfil the mission of France in Africa, the number of French

immigrants must be such as not merely to overawe, but also to permeate and civilize, and largely to absorb, both the indigenous native element and the non-French European immigrants. I do not propose to go into the history of the French colonization and of the different policies which have been adopted with regard to it at various times. At the beginning we find land granted wholesale to retired soldiers, almost every one of whom sold out and disappeared within the twelvemonth. Later on it is the scum of the political rabble of 1848, or the victims of the coup d'état, who are sent to fulfil the destinies of their country in the South. At other times the poor fishermen of Brittany, the Alsatian patriots of 1871, even the outcasts of an Irish district, who find their way to the Algerian Settlements. The immigration, as we can well conceive, has been fitful, and the policy that conducts it has been inconsistent and irregular; but things have in many ways righted themselves, and the colonization which is now carried out, is one which attracts the French peasantry more steadily and less intermittently than heretofore.

Let me mention shortly how it is done. The State divides off from its own demesne, or from land which it acquires for the purpose from native owners, an area sufficient to support a number of French families varying from forty to four hundred: the area is divided into lots of about 75 acres each, a detailed plan of the forthcoming village showing the situation of the fields, the house sites, the gardens, &c., is drawn out; roads are made; drinking water is provided; town halls, schools, wash-houses, churches are made ready; and, when all this has been completed, the lots are granted free to the selected colonists. The application of the intending colonist has to be verified and endorsed by the maire of his commune and the prefect of his department in France, who certify to his possessing certain preliminary qualifications in the matter of capital, &c., and, when he receives his land, he does so on the condition that, if he lives on the spot for years, or at least builds and improves thereon, he shall obtain the proprietary right on an indefeasible title. Such is the ordinary type of grant hitherto made. It will be seen that the State does a great deal of preparatory work on the colonist's behalf, and one hears proposals for further help in this direction, such as the clearing of brushwood by convict labour, and so forth. The colonists are so near France that they wish to find everything as in France, and they are accustomed to expect every kind of assistance from the Government. Not, indeed, that they are a feeble folk: on the contrary, they had, in the early days, amid a hostile population and constant brigandage

an exceedingly hard time of it, and are still beset by many troubles, which require a sturdy arm and a stout heart to overcome them. The French colonist is not feeble, but, as is well-known, he is so constituted as to exact from the State all the aid he can. The State accordingly spends some 8,000 francs on every family, which it settles on the land; it practically exempts its colonists from all direct taxes; and it subordinates the major part of its administration to their benefit: but even then it often fails to attain its object. Take, for instance, the figures given for the colonization effected between 1871 and 1883. During these twelve years some twelve lakhs of acres were given out, the average value of which was 36 francs an acre. Of this, about a quarter was granted to local bodies: in the rest some 1,000 families were settled on 12,000 grants, and of these 30 per cent. failed to fulfil the necessary conditions, and had to be replaced, only 58 per cent. ultimately remaining resident on their grants. There is an influential party which would now have the State withdraw from direct aid in the process of colonization. They point out the success of the private settlements that have been carried out independently of the State; they notice the insufferable red-tapeism and delay which has to be endured by applicants for grants; and they bring forward figures to show that immigration to Algeria has always flourished most when the State had least to say to it. On the other hand, it is pointed out that, so long as 15,000 Frenchmen leave France annually for other countries, some special inducements for emigration to Algeria are still required, and that, in order to give the colonist a clear title, the aid of the State is absolutely essential. In support of the latter contention, instances are given of cases of private colonization where, *e. g.*, the acquisition of an estate of 7,000 acres entailed dealings with 440 different owners regarding 560 separate parcels of land: and, indeed, as will be seen below, the present condition of the land question renders a clear title very difficult to obtain otherwise than through the State.

As regards the terms on which the grants should be given there has been much discussion, the balance of opinion leaning at one time in favour of out and out sales, at another in favour of provisional grants, which ripen after effective possession into freehold. With sale there is less chance of jobbing: with provisional grants less chance of failure; but I do not propose here to go into the arguments for and against, which differ after all but little from the never-ending arguments with which the principles of our waste land grants in India have been so fully discussed. Generally speaking, the sale system was in favour before 1878, the provisional-grant system

since: but of late years a compromise has been suggested, which perhaps merits attention in other countries besides Algeria. Under the arrangement proposed, the land would still be sold, but the payment of the purchase-money would be extended over a series of years, and the later instalments would be remitted on proof of effective colonization.

The French have also, of course, to deal with the *vexata quaestio* of large and small colonists, and their action has in this matter been wisely tolerant of all classes. Concessions have often been made on special terms (never of course by grant) to private capitalists and to companies; and, although these may often sublet the land to Arabs and draw their rents in France, yet at the same time these are the agencies which have largely introduced the much-needed capital, and have supplied not a little of the European labour. Concessions are also commonly made, by sale only, to yeomen, in lots of some 250 acres each, and these concessions attract a worthy class, which, without cutting themselves absolutely aloof from their little properties in the South of France, can still effectually develop the grants made to them in Algeria. The bulk of the land has, however, been given out to the peasant class on the terms which I have described above, and the free grant of land has been confined to this class. And from whatever rank the colonists are drawn, they bring with them a following of shopkeepers, artisans, lawyers, traders, labourers, and so forth, who help to strengthen the predominance of the French in the colony, and spread civilization into the furthest recesses of the country. As we travel through Algeria, the dark tents, or the mud huts, or the half-thatched hovels of the native population pass almost unnoticed, while the eye is everywhere attracted by the bright, clean mansions of the European colonists, as they rise out of the vast plains and plateaus, or nestle among the lower ranges of the mountains. From almost every point of view, there are French villages to be seen: at almost every turning there is a French farm-house or a French inn. The employes on the railways, the labourers on the highroads, are nearly all French. Almost every town of any importance has a garrison of French troops. You cannot lose yourself in Algeria among the native population, as you can in India. You will have great difficulty in finding an individual who 'has never looked on a French face, or seen the gleam of a French bayonet.' The colonization of Algeria has been in this respect a very thorough one.

The mission of these colonists, it must be remembered, is not the development of the country's resources, or even the planting of a new offshoot of the Celtic race. Their mission is to absorb

a large native population into the French nation. Take the words of the dignitary whom I quoted at the beginning of this article: 'Le but essential,' says he, 'de notre établissement en Algérie, c'est d'y créer avec le concours d'émigrants Européens assimilables une race de Français qui puisse civilizer et rapprocher avec nous les indigènes.' How far has this mission been accomplished, or how far is its accomplishment practicable?

I may say at once that the colonists are not setting about their work by living down to the native standards. Owing, probably, to the ease with which women can immigrate from France, there are exceedingly few half castes in Algeria, and mixed marriages are almost non-existent. The French of the second generation, we are told, are not as sturdy as their fathers, but there are few outward signs of this; the colonists are little troubled by it, and indeed communication with France is so easy that the better class of colonist can educate his sons in the mother-country. With such a large immigrant community of agricultural labourers and artizans, there are, as there must be, a certain number of low class vagrants, who adopt native habits of the baser sort, and adapt themselves too easily to the less inviting part of their surroundings; but the colonists, as a whole, differ little, if at all, from men of the same rank in France, and are as distinct from the native type as possible. At the same time they are enabled, both by their own character and that of the Arabs, to treat the native population in the ordinary concerns of life on a footing which, if not perfectly equal, is not far from being so. There is not on the part of the Arab any of that servility—little, indeed, of that cautious respect—with which the hardiest natives of India approach the meanest European. Nor, on the other hand, is there on the part of the French colonist any of that brutal contempt, or, as it may be, unsympathetic reserve, with which the lowest white in India treats every member of the native population. In the little things of life, the outward relations of individual Arabs and Frenchmen are in somewhat striking contrast to the corresponding relations between conquerors and conquered in India. The Arab and the colonist sit freely together in the trains and omnibuses; they drink together in the cafés; they work together on the roads. The Arab does not necessarily make way for the Frenchman in the streets. If ready with a friendly greeting, he expects a friendly reply, and, if abused, he is not afraid to pour forth abuse in reply. Caste, of course, is absent, and it must be remembered, too, that the material standard of living, which differs so immensely in India between the two classes, differs far less in Algeria. The Frenchman has, it is true, higher notions of comfort than the Arab, but the difference between them, as measured in money, is comparatively

small. Whereas, for instance, in India, a European can scarcely exist on less than six or eight times the pay of a common native labourer, and even then cannot compete in manual work, the lowest class of French labourer in Algeria will live and flourish on a wage that is only half as large again as that of a corresponding workman of Arab extraction ; and the climate enables him to compete with the other on equal terms. I think, therefore, that, when we consider the numbers of the colonists, the respective characteristics of the two races, and the similarity of their material standards of life, it will be found that the French ideal of a future assimilation is a much less preposterous conception than we should at first be inclined to suppose.

In this task of assimilation the chief factor, of course, is the direct education of the native. 'L' école est le clef de route de l' assimilation à la France.' This is a role which education does not assume with us in India. We educate, it may be, from philanthropic motives, or, it may be, with the idea of training the masses to an apprehension of political life ; but we do not educate in order to turn the native into an Englishman. Consequently we educate the native, so far as we educate him at all, in the way which we think will come easiest to him. We choose the line of least resistance, and, whatever the ultimate standard may be, we introduce him to learning through his own language, and to a large extent through the class of literature to which his ancestors have been accustomed. Not so the French in Algiers. Under their theory, education would be practically useless if it were not an education in the French language and on French methods. Neither the colonists nor the servants of Government pay much attention to Arabic, and so, as the French will not learn Arabic, the Arabs must learn French. There are practically no Arabic schools conducted by Government. The Arab boys who go to school, must sit on the same benches with the French boys at the French schools (this is to encourage the approximation of the races). and must read the same lessons about Vercingetorix and Joan of Arc and the Salic law, and the rules of French grammar. The idea is a bold one, and there can be no doubt that the carrying out of the idea would be of the greatest assistance towards the accomplishment of the great aim which the French have before them. But, just as even our modest attempts at education in India meet with a studied opposition on the part both of the natives themselves and of the Anglo-Indian community which is most in contact with them, so the attempts of French statesmen in Algeria are to a large extent thwarted both by the Arabs and by the colonists.

Outwardly the Arab shows the greatest indifference in the matter of education. It rests with him to send his sons to school or not ; and, as his sons are much more useful to him in the field than in the school, he requires considerable inducements to send them to school. If he does send them, he considers he has done a service to the Beylick—to the 'Sarkar,' as we should say. He is always being pestered to do so, and, when he has done so, he expects some reward. If on the lower rungs of the social ladder, he expects a small berth. If higher up, he looks for the Legion of Honor, or an invitation to the Governor's annual ball. When, to meet this indifference, the French reformers propose to render education compulsory, the Arab at once abandons his position of silence and displays such a warmth of feeling that the educationalists have to draw in their horns. The Arab, like our frontier Mahomedan, looks on education as being very largely a part of religion, and his religious feelings rise up in protest against the French schools. The indigenous education is an education in the Koran and the doctrines of Islam, and he concludes that a French education is an education, if not in Christian doctrine, at any rate in something utterly subversive of the religion of Mahomed. An Arab child in a French school learns no religion ; and, if he does not learn to forsake his own religion, he loses at least that religious training which, in the eyes of his co-religionists, is the basis of all morals. The Arabs, therefore, have little partiality for the French schools. And when you turn to the colonist, he gives you as little encouragement as the Arabs do. 'What good is it,' he says, 'to send the Arabs to school? You will never make them Frenchmen, or anything like Frenchmen. As our proverb has it : 'You may boil an Arab and a Frenchman in one pot, but you will still get two different soups.' You change their appearance, but not their character. The man who comes to you, dines with you, drinks your wine, talks in the best French, abuses his own people, and belauds your civilization, will, if you track him back to his home, be found sitting on his hunkers among the tribesmen, eating his *kouskous* with his fingers, attended by his four wives, subservient to the meanest saint or *haji*, and praying to Allah for the day of retribution. Why, Mokrani himself, who led the last great Kabyle rebellion of 1871, was an assimilated native, who had spent many years among the Paris boulevards, and yet he was one of the most dangerous and bitter foes that France has ever had to meet on Algerian soil. No ; all you do by educating your Arab is to form a body of 'ratés et déclassés,' men who have learnt just enough to prevent them from labouring with their hands, but not enough to prevent them from gambling and drinking

absinthe in the towns ; or men who have received a better education, but who fail to obtain the appointments under Government for which they looked, and who, being without any aptitude for the army or medicine—the only two professions open to them—, find themselves stranded at the opening of life.

All this is true enough, and we in India might add that these *déclassé* natives would of course develop themselves into a more or less organized political opposition to the French power. In this, however, we should be wrong. There are too many colonists in Algeria—men educated in the ordinary routine of civilized French education—to allow the educated native to put himself on a pinnacle, intellectual or political : and, with the whole of the legal business of the colony in French hands, it is impossible for the native opposition to obtain that legal leaven which is so necessary for successful political organization in modern societies. There is practically no native press, and there are enough educated Frenchmen in the colony to monopolize and regulate the character of the local French journalism. Troubles in Algeria, moreover, have been too recent, and the bureaucracy is too strong, to allow of any political societies, or congresses, or committees, other than those directly authorized by the Government. Any educated opposition to the French as a nation would be in direct contradiction to the ‘assimilation’ idea on which the system of education is founded. If the French were training Algeria to govern itself, such opposition would be natural and inevitable : but they are not training Algeria to govern itself ; they are assimilating Algeria to France. And hence it comes that, under the wing of the great republic, the ways of ‘constitutional opposition,’ which flourish so mightily in India, are utterly unknown, and, indeed, would not be tolerated for an instant. The *déclassé* native does not seek refuge in denouncing the number of French employés, or calling for the proper representation of his co-religionists, but he goes to the wall entirely, and has no prospects before him.

The authorities rightly enough refuse to allow considerations such as those which I have mentioned to deter them from the task of educating the Arabs, but the influence of the views above represented has led them to modify somewhat their ideas of the system of education to be followed. It is thought that even the French education in the colony had better not be altogether on the same lines as education in France ; that education in French and Arabic, or even in Arabic alone, need not be discouraged : and that might be gained, not lost, if the Koran schools of the talibs could be in some way supplemented by grants-in-aid, or if the talibs could attend the

Government schools at fixed intervals to give religious instruction to those who wish it. The educationalists are also paying more attention than before to the technical instruction of the Arab. Not, indeed, by means of special professional schools. These have been tried from time to time without any great success; witness the Pastoral school at Mondjibeur, where the native pupils, having been taught, at great expense, the mysteries of sheep-shearing and sheep-breeding, used to treat their old nomad life with scorn, and to apply anxiously to be made mounted orderlies to the French officials. The idea at present in favour is rather to give to the schools throughout the country a more practical and less literary turn, so that education may mean something more for the Arab, and offer him more solid attractions than heretofore. I do not say that any of these schemes have been carried out, but they are freely mooted, and show the change which has come over the French view of the functions of education in Algeria. Education will still be the great assimilator, but it will no longer assimilate with a high hand.

As in their educational policy, so in the administration of justice, the French have found themselves unable to maintain perfect uniformity with France, and are not entirely satisfied with the amount of uniformity which they have already imposed. The *personnel* is, indeed, based on the French system. The pivot of the service is the 'juge de paix,' a French official, a sort of District Judge, who combines criminal and civil powers with the functions of a 'juge d'instruction':—the separation of executive and judicial powers, in the narrower sense of the words, being unknown to French law. These Judges are sometimes valuable men, but on the whole they fail to give satisfaction. They are not on the same cadre as the corresponding officers in France; they are as often as not old men who have failed elsewhere, or young men who have not yet succeeded; they are ignorant of Arabic and of Mahomedan law, requiring interpreters for explaining oral and documentary evidence, as well as for translating the rules of law. Then in criminal matters they are not supported by the same organized subordinate service as in France. Almost the whole preliminary work in criminal cases is in the hands of the 'caids,' men of a standing which corresponds somewhat to that of our Punjab Zaildars, and who, like our zaildars and lambardars, receive their remuneration, not as members of a graded service, but as participators in a percentage of the land revenue. The caid is oftener than not a venal personage, and much influenced by considerations of intra-tribal partizanship, which are as rancorous and mysterious as those attending the 'gundis' of our North-western frontier. The caid, too, in

his turn, works through the 'sheikh,' or lambardar, who uses the same methods as his superior. This method of investigation by native agency has been both violently attacked and violently defended. On the one hand, we are warned regarding the venality and partizanship of the local men. The caïd, we are told, will either inculcate the innocent or be subjected to the violent attacks of his private enemies. To work through him is in fact a slipshod method of government, if, indeed, it is government at all. 'La responsabilité collective et la responsabilité des chefs,' as one authority has put it, 'ne sont pas des instruments de justice, c'est plutôt une abdication de la justice.' On the other hand, we are reminded that the caïds and sheikhs are the natural leaders of the people, and that their position should be strengthened rather than weakened. What happens now is that the caïd or sheikh duly traces and reports the crime: the juge de paix calls for evidence, and, by the time the evidence is marshalled and laid before the judge, the whole of the witnesses have been corrupted; the accused is then discharged, and the face of the caïd or sheikh is blackened before his tribe. Either, then, strengthen the position of the local leaders of the people, or insure due promptness on the part of the European Judge. What is wanted above all things is promptness, both to get at the truth and to strike terror: and this is the one thing that the French Criminal Code, as strictly worked, does not insure. The two most unpopular items of French rule in Algeria are, we are told, the Law on Property and the Judicial Codes. Jules Ferry himself has said: *C'est toujours l'introduction de nos codes en Algérie qui a causé tout le mal.* The French codes are good ones, like our own in India: but the objection raised is that, though good for France, they are not suitable for Algeria. So far as regards the delay and formalities attendant on criminal investigations, it is difficult to give this objection any more definite shape than that assumed by similar objections in India, and the objection on this score has not been pushed home by those who are dissatisfied with the present procedure. They confine their attention mainly to the alleged deficiencies of the law in dealing with perjury and in regulating service on juries. Seeing that the East differs mainly from the West in the matter of false witness, a law intended for Western evidence must, no doubt, fall somewhat flat in Eastern surroundings. In India we may be said to have practically given up the battle against false evidence: but in Algeria the French are still irritated by native perjuries, and are still combating them. They still call for remedies which we have long ago cast behind us. Severe laws of repression, summary procedure, the reintroduction of the solemn oath—whether it be on the Koran or on the

tomb of a saint—these are still discussed as possible remedies for the situation, and meantime, under the cumbrous working of the codes, perjury flourishes apace. The other objection, regarding juries, is of less moment. The native in serious cases is tried by a jury: but, strangely enough, by a jury, not of his peers, but of Frenchmen. The natives seem to accept the position with resignation, and there is no native press to point out the 'iniquitous racial distinctions' which the system entails. It is the French themselves who object, and that on grounds of personal convenience: for, with only a quarter of a million of French in the country, the constant service on juries to try cases between natives is found fatiguing and expensive, so much so, indeed, that in some places the colonists have established provident societies for the mutual protection of juries!

It is less, perhaps, in the matter of procedure than in that of substantive criminal law that the unsuitable character of the French system is brought out. The substantive criminal law of Algeria is the same as that of France. There is, indeed, a supplementary Code, known as the Code d'Indigenat, which contains special provisions on the subject of treason, the supply of food and transport to troops on the march, the punishment of absence from the tribe without leave, and so forth; but the Code is only provisionally in force for a year or two at a time, and it is less and less used every day, so that before long the penal laws in Algeria will be absolutely the same as those of France. And yet the state of society is so different from that of France that the absence of special provisions will always be felt. Take, for instance, the question of cattle-theft, which troubles us so much in many parts of India. A French colonist, or an Arab landholder, finds his cattle stolen. They have been passed rapidly by night, from tribe to tribe, over a vast extent of country. He at last tracks them to a particular tribe, or sept. Every one knows who the individual thief was, but no one will denounce him to the magistrate. The *caïd* professes utter ignorance, and dares not interfere. If he sets the authorities on the track, his hayrick is fired, or his silo damaged, the next evening. The injured man has practically but one remedy, that known as the 'bechara.' He is informed that the thief will accept a certain sum as ransom; he pays that sum to a third person, and he receives back the stolen property intact. This system of 'bechara' is extending daily, and the authorities seem powerless to stop it. A system of tribal responsibility is often urged as the remedy to this state of things, but the weight of opinion is rather against it, and some other kind of reform will have to be tried. Among the remedies often proposed for the correction of crime, I may

mention that of increased severity in jail. The jail in Algeria, as in India, is only too often a place of luxury for the rude native : he gets himself sent to jail when seasons are bad outside, and he comes out much stouter and healthier than when he went in. The only sentence, short of death, which he really fears, is exile to Cayenne ; but even from Cayenne he frequently manages to escape, and the mountain recesses of Algeria are full of criminals who have returned from oversea without leave and are still wanted by the police.

In their criminal law, the French soon found themselves compelled, as we are in India, to supersede altogether the old native systems, whether based on religious codes or not. In civil business also they have made great inroads on the old jurisdiction of the 'Codes ;' but the change in this respect is more recent. Until 1886 native litigants in civil matters went invariably to the Code : they were allowed, if both parties agreed, to take their suit before a French *juge de paix*, but there is absolutely no case on record in which they availed themselves of this permission. The natives themselves put up contentedly with the Cadi's decisions, but the French administrators found him to be a very venal personage, and the judges who heard appeals from his decision, found him to be utterly confused and slipshod in his judgments. In 1886, therefore, the Cadis were deprived of all jurisdiction, except in matters of personal status, in partition and succession cases. This step has turned out to be most unpopular. The French Judges do, indeed, try many classes of cases by Mahomedan law ; but their knowledge of its details is incomplete, and though, as a rule, upright and conscientious, they do not command the same respect as the Cadis. Their proceedings are infinitely more tedious and costly. Documents of every kind have to be translated, and translation has to be paid for by the parties. The judges are overworked, and cases fall into arrears. Underlings of all sorts have to be fed. And, whereas the Cadi was generally near at hand, each visit to the Judge's Court entails, as a rule, long journeyings and much waiting. Some small extension of the Cadi's powers has, indeed, been granted of late, more as a relief to the Judges than anything else : but this has failed to give satisfaction, and it is doubtful how the difficulties of the situation will ultimately be met. Our usual method in India in such cases is to turn the old native authorities into a graded service of Government officials, who work on Government lines, with increased precision and rectitude, perhaps, but with less authority and confidence. The French, however, have shown no great love for this kind of arrangement ; their tendency is rather to maintain the old native agency as long as possible on the old native methods, and when this becomes no longer tolerable to super-

sede the old agency entirely by a service of French 'fonctionnaires.' There, again, creeps out the feeling :—' If you cannot be a native in everything, you must become a Frenchman in every thing.'

I have already spoken of the efforts made by the French to persuade the natives to naturalize themselves and the reasons for the failure of the attempt: and I may notice appropriately here an intermediate and less serious step which the French Government has taken in the same direction. In France every one has an 'état civil:' his birth, marriage and death are registered, and his name must be recorded somewhere, so that the Government may have cognizance of his identity. Without an état civil a Frenchman is a vagabond, and if the Algerians are to be properly governed, they must, it is argued, have a proper état civil like their French masters. Births and deaths are fairly well registered already for statistical purposes, and marriages also to some extent; but this is only half the battle. Every one's name must be duly recorded, and he must receive a certificate to show that this important procedure has been duly carried through. It is inconceivable what vast pains and what great expense the French have incurred to insure the grant of an état civil to the natives. Finding them without 'patronymics,' they have insisted on their adopting proper surnames for the purpose of registration. It is immaterial that your name is Bouteiba, and that your friends know you by no other, and that in all your deeds and contracts you have been entered by that name; your official name is Ben Yamine, and henceforward the Government will take cognizance of no other. To certify this change, you are given a 'parcha,' which you roll up in your turban, and which you lose at the earliest opportunity in order that no untoward consequence, such as conscription or service on a jury, may result from the mysterious document. It is difficult to imagine what good is extracted from this elaborate arrangement; and the uselessness of the whole business has been often pointed out; but the measure is still being solemnly carried through by the authorities.

The desire for uniformity with France, which the grant of the état civil displays in a comparatively harmless form, has led to very serious results in its application to the forest administration of the country. Before annexation there were numerous forests, but no forest laws, and the people used the forests freely for their own wants and those of their cattle. Now the French have reserved as forests an area of 8,000 square miles, or more than half as much again as the forests of all classes in the Punjab. Part of this has been inherited as the demesne of

the Bey; part has been cut off from the excess waste of the villages; and part has been confiscated from the original owners for treason or incendiarism. Of the forest area, a small proportion belongs to communes, and a certain area has been leased for exploitation to private concessionaires, but the bulk is still in the hands of the State; and to this has been applied, in all its rigour, the French forest law of 1827. Rules for the restriction of pasture which may be suitable enough in France are extended and enforced in a country where the very idea of a reserved forest is new, and where two-thirds of the population depend wholly or partly on the pasturage of cattle. So far as the tree forests of pine or cork or ilex are concerned, the natives recognize some justice in the reservation of fellings; but even then they contend that the cattle, which eat grass or brushwood only, should be allowed to graze. As regards the low scrub which constitutes a large part of the forest area—a sort of Algerian ‘bar’ country, which the forest officials are reserving in the hopes of a very problematical reboisement in the distant future—the native looks on reservation as pure robbery. These are the lands on which he has always been accustomed to pasture his cattle; but now, when he enters them, he is at once arrested by a French Government guard, is dragged before a Court, and is fined heavily for contravention of the French law of 1827. The forest officials, almost all Frenchmen, are the riff-raff of the French service, the ‘mauvais sujets’ who are exiled to Algeria as a punishment for misbehaviour in France. They are often not resident in their circles, and they are freely accused of bringing false cases against innocent Arabs in order to hide their own delinquencies. The reformers wish to improve and to increase the service; and, though the wisdom of increasing their numbers may be doubted, they are certainly in need of improvement, for there is no class of Frenchman more heartily hated by the Arabs than the forest officials. To the Arabs the whole forest administration presents itself as a fraud and an injustice. If, as is often the case, the forest boundaries are not clearly marked on the ground, the Arab becomes a trespasser before he knows it. If he runs his plough over half an acre of new land, he runs the risk of being fined for cultivating in a reserved forest. Or he may own a holding which is surrounded on all sides by reserved forest, and then he can move neither hand nor foot. The Arab is therefore in a constant state of conflict with the forest officials. Some 12,000 forest cases are heard in the year, and the natives are more harassed by this one department than by all the rest of the administration put together. The result is what one might have expected—a continuous succession of forest fires. ‘Les indigènes,’ as one writer puts

it, 'sont dévorés par les procès-verbaux et les forêts sont dévorés par les incendies.' Whenever there is any political unrest, as during the Kabyle rebellion of 1871, or the Tunis campaign of 1881, the forests are burnt on every side, and even in ordinary years the average area fired is not less than 120,000 acres. The administration has hitherto failed to cope with these conflagrations. Excessive fines are freely imposed, both on individuals and on communities : but the trouble still continues. Private forest owners have at times obtained large sums from the Government as compensation of a political character, and large portions of the immense fines annually inflicted are found to be quite irrecoverable. The financial position of the Algerian forests presents, indeed, a curious spectacle. In the Punjab, for a forest expenditure of 6 lakhs of rupees, we expect a return of at least 9 lakhs, and in other provinces of India we should expect a great deal more. In Algeria, however, where the annual expenditure is 2 million francs, the receipts, including those from fines, do not succeed in yielding a surplus, and of the 2 millions or so received, 1½ millions are the proceeds of the fines ! Verily, as a deputy has put it, 'la forêt, pour l'indigène, c'est l'ennemi.' And why ? Because the forests are controlled entirely by a departmental agency. Instead of being subjected to the authority of the local Governor-General, they are administered direct from the central bureau in Paris. The Parisian officials, who know the splendid results achieved by the Forest Law in France, walk boldly along the same path in Algeria. It is their business to create and protect forests, to prevent trespass and damage, to sell timber and cork. They have no concern with the pastoral wants of the people, with their agricultural requirements, with their political grievances. Hence the stern and unsympathetic administration which causes so much discontent, and hence the suggestions which have recently been made for placing the forests under the control of authorities who know the local wants and who represent the Government in its other relations towards the land. It has yet to be seen what comes of these suggestions.

In the dealings of the French Government with respect to landed rights, there are traces of the same abruptness and want of sympathy which characterizes their forest policy. The French in Algeria have encouraged the individualization of landed property, and they have done so, not indirectly or grudgingly, as we have in India, but directly and, as it were with malice aforethought. Previous to annexation, the titles to land, though vague and undefined, were on much the same footing as elsewhere in the unregenerate East. There was a general idea that the Bey was owner of all the land, but there were certain

lands appertaining more especially to the Beylick and supporting tenants who paid rent to the State, and there were certain other lands which were held by individuals or by small groups upon a sort of freehold, transferable tenure, independent of the State. But the bulk of the land was held in commonalty on payment of revenue by tribes or septs, which in some manner or other recognized the Bey as their 'álá málik', the proprietor 'à titre éminent,' without whose permission no land could be alienated. This traditional lordship of the State was at first maintained by the French Government and used as a means for extending colonization. Where the area held by a tribe was too large for its requirements, the 'excess waste' was cut off and peopled with French colonists. But the claims of the State were not allowed to remain for long in this position. The absolute want of definite boundaries to the old Beylick demesnes incited the French in 1863 to pass a senatus-consultum, providing for the proper survey of the country and the due separation of State lands from tribal lands. The same enactment went on to decree that henceforward all tribal lands should be held to be no longer the property of the State, but the property of the tribes that held them—a sweeping measure, indeed, but one to which Bengal and the Central Provinces in India have afforded analogies. This order of 1863 put a stop to colonization on excess waste, for such waste was now tribal property, and henceforward all land, other than State land, which was required for colonization, had to be acquired from the tribesmen. This, however, was easier said than done. The Arabs held all the land, and, as the consent of the whole tribe or sept was necessary before an acre of their land could be alienated, the Arab's land was practically untransferable. If this state of things had continued, there would have been a dead lock in the colonization, and, besides, how was the Arab to become 'assimilated' to the European if he continued to hold his land on so barbarous a system? In 1873, therefore, a law was passed under which any member of a tribe or sept could claim a partition of the tribal property, so as to provide for himself therefrom an individual freehold estate. The mere fact of partition does not give a clear title, for the courts have held that titles granted under the procedure of the law of 1873 do not necessarily exclude titles established previous to the passing of the law; and, when it is remembered how numerous are the shares and how complicated the rights in tribal property, the consequences of the law may well be imagined. The situation as regards the colonists is little better than before. If they want to purchase direct from the natives, they run great risk of being dispossessed for want of title. If they wish to settle on land which the Government has acquired by expropri-

ation, they obtain, indeed, an indefeasible title, but the Government, in order to give its award, requires each tribesman to establish his claim to the acquired land, and this entails endless litigation and delay. Nor have the natives themselves benefited by the law as it stands. The Arab village contains no resident 'patwari,' and the business of partition involves the intervention of a host of European lawyers, clerks, surveyors, draughtsmen and the like, so that the cost of partition is often not less than that of the land divided. With the partition, too, comes the power of alienation, and the power of alienation has only incited the tribesmen to plunge wildly into debt on the security now offered to them. The cost, moreover, of the surveys entailed by the measures of 1863 and 1873 is recovered from the people by a general cess, and, when it is stated that the cost is calculated to be little less than 3 francs an acre, it can well be understood that the expenditure has been quite incommensurate with the benefits obtained. The surveys are still far from complete; and, indeed, of late years their progress, at least among the Arabs of the interior, has been purposely discouraged. The Government is now casting about for some new method of dealing with property in land. Some of its advisers, by way of bridging over the period of transition, suggest an encouragement of family, as opposed to either tribal or individual, property. Others, again, would retain the power of partition, but would guarantee a title in each case, and record the same in registers prepared after the Torrens system.

Whatever plan is adopted, it is not unlikely that some transformation in the rights of property may be effected, with the direct object of preventing the alienation of land to usurers. The tribesmen in Algeria are, as a rule, small holders, and the cultivation of land by tenants is not very common. To these small holders the sudden grant of the power of alienation has proved too great a temptation, and their first instinct has been to raise money on their newly-formed property. An Act was, I believe, passed in 1887 to restrict the acquisition of land by persons other than those already holding land in the sept or tribe, but the inadequacy of the existing law is well evidenced by the following quotations which I have culled from recent utterances on the subject. When, for instance, a commission of enquiry, presided over by M. Jules Ferry, was at Bone in 1892, a native witness tendered his advice concisely in the words: 'si on veut instituer la propriété individuelle, il faut appliquer l'obligation de ne pas vendre ni hypothéquer.' In another place, visited by the same Commission, a native assistant administrator explained the case as follows:—

'Les Arabes', he said, 'n'ont pas besoin de la mobilité de la terre. C'est pour eux l'occasion de dilapider leur fortune, et quand ils sont

ruinés, ils deviennent mauvais et pervers, pratiquant ce proverbe, ' Mange aujourd' hui, Dieu demain te nourrira.' L' adjoint en conclut ' que l'etat devait garder le domaine éminent des terres dont il leur concède la jouissance ; c'est la seule manière pour eux de ne pas être promptement dépouillés'

And another native, a French-educated lawyer, is still more explicit in his language to the same Commission :—

' Les lois constituant la propriété individuelle eussent été de grands bienfaits, si le peuple indigène était parvenu à sa majorité intellectuelle : mais il est encore mineur, et en ce moment les spéculateurs arrivent à dépouiller l'indigène et à le rendre simplement locataire du bien qui était autrefois sa propriété. En 1832 on avait compris que l'indigène ne pouvait vendre sans l'autorisation de l'administration.

Les biens des Beni-Urchin, aux portes de Bône, n'appartiennent plus aux anciens propriétaires qui ont obtenu depuis quatre ans leurs titres de propriété. Ces propriétaires sont actuellement locataires à 15, 25 et 30 francs l'hectare de leurs anciennes terres. Si ces procédés se prolongent, l'Algérie sera peuplée des malfaiteurs.

Pour constituer la propriété il faut rappeler la disposition de 1832 et empêcher le cultivateur indigène de vendre sa terre. Quand on est ruiné on est tout prêt à commettre un crime.'

And a deputy, in reporting to the Chamber in 1891, writes :—

' L'usure existait sans doute en Algérie avant nous. Ce qui est regrettable, c'est que notre civilisation ait fourni à l'usure des instruments nouveaux et plus puissants.'

Is there a word or a thought in these quotations which we have not heard here in India ?

To tell the truth, the French have much the same foreboding in respect of these debts (whether secured on the land or on the crops only) as our Government has in respect of the debts of the Indian ryot. The indebtedness of the people leads, as the quotations show, to crime and brigandage. It also leads to the substitution of Jews and Maltese for Arabs, either as local capitalists, or as actual proprietors of the soil : and ' one Arab,' as an administrator said to me, ' is worth ten Jews.' The Jewish question is as acute in Algeria as elsewhere : the Jew is to be found in every corner ; and almost everyone, colonist or native, is in his books. He is particularly detested by the nation. The great rebellion of 1876 was certainly due in part to the political privileges which the Government had just then conferred on the Jews. An increasing number of the small posts under Government are being monopolised by the Jews. The Jews sway the elections, and the Government officials have to be careful how they offend them. There is not the slightest doubt that, if the Arabs had their way, there would not be a Jew left in Algeria to-morrow. In fact, the more ignorant of the Arabs care little how much they borrow from the Jew, for their idea is—and have we not heard echoes of the same idea nearer home ?—that, before many years have passed, the Feringhi

will have been driven back into the sea, and that, when the Feringhi's restraining arm is withdrawn, the infidel money-lender will—by the grace of God, the Compassionate, the All-merciful—be left under the heel of the true believer. What wonder if such men should always be looking for the day of redemption, and doing what they can to hasten its advent? The French have, therefore, more reasons than one for combating this curse of agricultural debt. They have a gallant peasantry to maintain intact, and, if they fail to do this, they run the risk of finding themselves seriously hampered by a criminal and seditious proletariat of their own contriving.

Many serious efforts have therefore been made to provide cheap money to the native peasant. The Departments have, after famines, lent them seed or money on short terms, but without any marked success. The more stately European establishments, such as the *Crédit Foncier* and the *Comptoir de l'escompte* have stepped into the breach, but their ways are too pompous and expensive for the ordinary native, and their rigidity terrifies him. To any one who knows the natives of India the following quotation from the evidence of a French 'administrator' will explain itself :—

'Entre une caisse de crédit qui prêtera sur garanties suffisantes au taux usuel en Algérie de 8 ou 10%, et l'usurier qui sur égales garanties ne le prêtera qu' à 30%, l' Arabe n' hésitera pas une seconde : il préférera le taux de 30%, et en voici la raison : il sait très bien qu' en banque le jour de l' échéance est fixe, qu' il n' y a ni délais ni remises à espérer et que s' il ne paye pas le billet souscrit dans les vingt-quatre heures de la présentation, il sera immédiatement saisi et vendu avec tous les frais qui pourront en résulter . . . il s'arrangera donc de préférence avec l' usurier qui, moyennant une Commission supplémentaire, consentira autant de renouvellements successifs que l' indigène voudra si la garantie est encore suffisante.'

Some firms, to avoid these difficulties, have lent to the tribesmen on their chief's security ; but the chief, again, does not give his security for nothing. In other places, the local 'administration' have arranged for tribal contributions to tribal insurance funds, and these local arrangements, under various modified forms, are said by their supporters to have attained some considerable degree of success. But, after all, the idea of restricting alienation would seem to be as much in favour as that of replacing the usurer by artificial means, and it is not impossible that some form of restriction may be adopted. The conception of individual transferable rights in property has not taken root in Algiers as deeply as it has in most parts of India, and, although the prohibition of transfer is looked on as a retrograde measure and subject to numerous drawbacks, there is no feeling among either the French or the natives that it would be in any way an unjust revocation of rights already granted. France is the last country in the world

to acknowledge that the measures of the past are irrevocable, and that the Gods cannot withdraw their gifts.

The system pursued in the taxation of the land is somewhat rudimentary in its character. The French have now introduced the continental 'impot foncier' into Algeria, and, so far as the Arabs are concerned, they have contented themselves hitherto with retaining, under certain modifications, the old 'achour,' or tithe tax, paid in pre-annexation times. The country has never been cadastrally surveyed, and there is no resident agency for maintaining the maps and land-record, so that it is impossible to observe the minuter details which characterize our present Indian systems. At the same time there is no such thing in Algeria as a contract term or period of settlement, and there is no recognition of joint responsibility. The problem, therefore, is to fix an annually varying assessment, not by tribes merely, but by individuals. This work is entrusted to a service of 'repartiteurs,' a branch of the great army of French 'fonctionnaires' in Algeria, men who are trained to estimate the value of land and of crops at a glance, and who fix their assessments independently of any aid other than that of the local sheikhs whose villages they are assessing. That such an agency, though European, should occasionally be venal or partizan, that it should often be slack or irregular, is, no doubt, inevitable; but the chief ground of complaint in respect of their work is the want of uniformity with which it is carried out, and this, too, considering the want of maps and records, can scarcely be avoided. The men have, moreover, an immense area to work over, and they have to get through their work in the spring while the crop is growing, and before it is ripe. The unit of assessment is the 'plough', an area which varies according to the soil, but which, on an average, is about 25 acres: and the first thing the assessor has to discover is the number of 'ploughs' cultivated by each revenue-payer. He then observes the crop, which is generally wheat or barley, and classifies it, according to its quality, under one of four heads, *viz.*, very good, good, moderate and bad. When this has been done, all that remains is to calculate the amount of the land-revenue according to a fixed scale laid down by Government. For instance, if a man has cultivated one plough of wheat, and that wheat is classed as 'very good,' the outturn of the wheat is assumed to be 20 quintals, or 55 maunds (a little over two maunds to the acre), and the value of the crop, at the assumed commutation price of 22 francs a quintal, will be 440 francs, of which one-tenth, or 44 francs, will be due to the State. In the same way, if the crop were classed as 'bad', the revenue due would be 11 francs only. So that the assessment on a

'plough' of wheat would vary between 11 and 44 francs, which, for an average plough of 25 acres, would bring out an assessment of $\frac{1}{2}$ a franc to 2 francs, or, say, 5 annas to 20 annas, an acre. And for barley the results are the same, the outturn being taken as double, and the price as half that of wheat. The system is, no doubt, rough and ready; for instance, the value of the assumed outturns depends on the size of the 'plough,' which apparently is left to chance, and the commutation rates are those fixed in 1874, although prices have risen somewhat since then. But, in view of the lowness of the assessment and the vast quantity of cultivable land available, the method is considered reasonable enough, and it combines large elements of fluctuation with the minimum of harassment. The ideal (which our Indian revenue officers despair of) is a tax which shall vary with the area cropped, the nature of the harvest, and the price of the grain; and the French system, though neglecting the prices, attempts in some measure to achieve the task of accommodating the revenue to the area and to the harvest: but the success or failure of the system rests entirely on the character of the 'repartiteur,' and this introduces the very weakness which confronts so painfully our revenue reformers in India. The method above described of classifying the character of the outturn is in force in two out of the three Algerian departments. In the department of Constantine, the assumed outturn per 'plough' is a fixed average, based on the ascertained mean of previous years, and does not vary with the character of season. The result is what Indian experience would have suggested, *viz.*, that in Algiers and Oran, the people clamour for a fixed rate per plough, while in Constantine they are equally anxious for a change to the method of assessing according to the season!

The land-revenue is a racial tax, known as the 'impot arabe.' The French colonist pays no land-revenue, but, if he lets his land to an Arab, the Arab has to pay land-revenue on the area leased. All parties seem agreed that some form of 'impot foncier,' as in France, must be introduced before long for the colonized lands, and ultimately for the Arab lands also: but delay in the case of the latter is considered necessary until the system of individual property has been more fully developed. When the 'impot foncier' is introduced into Arab holdings, the 'impot arabe' will be abolished.

As regards the octroi, the customs and the various forms of taxation which are especially designed to hit the colonists, I do not propose to speak, but I may note that the land-revenue is not by any means the only tax which the native pays. If he owns camels, or sheep, or goats, or cattle, whether agricultural or otherwise, he pays a sort of 'tirni,' known as the 'zekkat,' on each item from the day of its birth. If he owns

date trees, he pays a fixed amount per tree, whether male or female.* He also pays a tax on his house or shanty, and pays cesses for various objects, amounting to 22 per cent on the land-revenue. He is also obliged to maintain the neighbouring roads, either by personal service for a certain number of days in the year, or by payment in commutation. And he is liable at various times to be called on to do 'chaukidari' for the colonists, to help in protection against forest fires, to join in a campaign against locusts, and so forth. Taken all round, however, the taxes (except perhaps in Kabylie, where there is a special capitation tax), do not appear to be unduly harsh ; and, though the people complain, as they always will, it is doubtful whether they have much real ground for complaint. In the matter of collection, they have certainly a grievance, for the various taxes, instead of being collected at one time and in one lump, are carefully 'echelonnés' over the whole year, but the actual incidence does not seem to be excessive.

I have no time to discuss the great benefits which the Medical and Public Works Services have done to Algeria. These achievements have been prompted by much the same motives and have been conducted on much the same lines as those of the corresponding departments in India. Commercial and State Hospitals and dispensaries are freely scattered over the country, and they are freely used by the native population, although (as in India) the trust in European medicine is less implicit than the trust in European surgery. The French irrigation works are, of course, not to be compared with those which we have constructed in India ; but the 'barrages' which have been constructed in various parts of Algeria are fine structures, and suited to the requirements of the country, as are also the artesian wells with which the French engineers have transformed the face of the northern Sahara. The high roads, too, as one would expect, are numerous and magnificently maintained, while the development of railway communications in recent years has been very rapid. In these various ways, the material resources of the country have been strikingly developed ; by these various means the great task of 'assimilation' has been strenuously assisted ; and it is in these forms of energy that the French administration shows its brightest and most promising side. I must, however, be content merely to have mentioned these flourishing departments of progress, and must pass on to speak of the great obstacle which at every turn confronts the French in their mission of 'assimilation', namely, the religion of the people.

* A comparison of the French rates with those in force in the S. W. Punjab for cattle, &c., and for dates, shows the former to be considerably the higher, but of course the higher cost of living in Algeria must be taken into account.

The Mahomedanism of Northern Africa differs in some of its characteristics from that to which we are accustomed in Northern India. There is no other native religion alongside of it to weaken and corrupt it, as Hinduism has done in so many parts of India, and it maintains within itself an intolerant fanaticism as prominent as, and perhaps more powerful than, that which animates the Pathan tribes of our frontier. It is true that, in the large towns, or among the officers of the native troops, you find Arabs who have few enough scruples about drinking wine, and are generally lax in their religious observances. It is true also that you do not find fanaticism displaying itself in the mutilations of statues and pictures of living beings, and that the Roman art of Timgad and Tebessa has a better chance of surviving than have the Buddhist figures of Shabbaz garhi or Takhti-Bahi. But, in the essentials of the faith, and among the people at large, there is an immense underlying mass of religious feeling, which, for want of any nearer enemy, spends itself in consistent opposition to the unsympathetic administration of the Christian conquerors. The country is covered with little shrines, the tombs of saints or 'marabouts'—small domed buildings like the Pirkhanas of the Central Punjab—and it is by visits to these tombs and by miracles there performed that the religious fervour of the people is chiefly maintained. At the ordinary mosques, you find the mullas outwardly decorous, and on the side of order; it is at the wayside shrine, or at the petty village Koran School, that the more fiery spirits find their sphere of action. It is in connection with these informal outpourings that the French find their greatest difficulties. For the business is conducted by a multitude of 'Khouans,' or religious brotherhoods,—to which our Indian Mahomedanism affords no parallel, except it be in the occasional missions of Wahabi preachers. Fortunately for the French, these brotherhoods, though severally mischievous and influential, are under no united organization, and can be separately dealt with. They seem, however, to foster a dangerous spirit of reliance on foreign support, for almost every brotherhood has now its headquarters in Morocco or Tripoli, outside the boundaries of Algeria, and the movements which they represent are to a great degree political as well as religious. The ordinary 'Khutba' of the mosques no longer prays for the Caliph at Stamboul; but it refuses to substitute the President of the Republic, and contents itself with invoking a blessing on all who support and favour the cause of Islam. The people are well acquainted with the doctrines of the Jihad which has from time to time so troubled us in India, and they are all imbued with an expectation of the early advent of some great Deliverer, who shall sweep away the Feringhi and restore the glories of Mahomedanism. While, therefore, the religious ardour of the people is in

itself insufficient to overcome the lack of religious organization, the general spirit of unrest is always present, to be utilized by any political leader who may arise to arm the Arabs against their conquerors ; and the past rebellions of 1876 and 1878, though not prominently religious in their character, derived not a little of their serious aspect from the latent fanaticism which they evoked. With every day, however, that the French remain in the country, the power of this fanaticism decreases, and there can be no doubt whatever that the religious enthusiasm of the people is gradually waning, and that time and peace alone are needed to deprive it of its possibilities of danger.

At the same time, this religious feeling remains and might long remain, even in its quiescent state, a very serious obstacle to the French schemes for the internal development and assimilation of the country. To the Arab religion is so much that there is scarcely a question of civil administration which the religious element does not in some degree or other enter. We have seen how the law of the country, which the French have had to modify, is not a mere customary or local law, but a religious code ; and the rights to property, the rules of inheritance, the share of the land-revenue, the whole list of punishments, and the whole system of contractual rights were, and to some extent still are, matters, not of convention, but of religious duty. We have seen how utterly opposed a plan of purely secular education is to the native sentiment of the country, and how the religious sanction of polygamy has rendered abortive the French schemes for naturalizing the native population. Against this mass of dull obstruction, the heart of every French administrator secretly rages. Not, indeed, on the ground of religious fervour, for the character and training of the officials precludes this, and there are no organized religious influences in Paris which would aim, as ours in London so often have done, at directing the policy of the colonial administration on purely religious lines. There have, it is true, been some few attempts at proselytism by Catholic fraternities in Algeria, chiefly under the influence of the late Cardinal Lavigerie ; but their success has been infinitesimal, and they have not received the smallest encouragement from the Government or its subordinates. When, therefore, we find the local officers complaining of the enormous mischief done by 'that little octavo volume, the Koran,' they are talking from the point of view, not of Christianity, but of civilization. They fret against the restrictions which Mahomedanism imposes on the material progress of the country, and they hope vaguely that by degrees the religious influences of Islam may be confined to the sphere of purely religious duties, so that the Arab may be left in matters of common life to follow the dictates

of the civilized world. They point out the restrictions which have been gradually imposed on the power of the church in Europe, and they expect that similar restrictions may by degrees be accepted by the followers of Mahomed in Algeria. They point out, truly enough, that the whole of the religious Penal Code has been swept away without arousing a hint of religious dissatisfaction. They draw attention to the recent changes in civil jurisdiction, the gradual spread of education, and the civilizing influence of French colonization ; and they express a hope that the country may soon be ripe for such forward measures as a prohibition of shallow burial or a definition of the age of consent in marriage. In actual practice the French have felt their way cautiously, as we have in India, regarding matters connected with the religious feelings of the people, maintaining at the same time a constant pressure in the direction of progress. In dealing with the 'Khouans,' or religious brotherhoods, they have, it is true, been rigorous enough, and, as it is only by constant police surveillance and constant deportation of dangerous characters that the action of these fanatical associations can in any way be curbed, they are more than justified in their rigour. A less defensible policy is that pursued with regard to religious endowments, and it must be admitted that the French love for uniformity, regardless of equality, has not led to any happy results in this direction, for, in order to preserve the same religious attitude in Algeria that has been adopted in France, the Government has disendowed the whole Mahomedan Church, and doles out to it in exchange an annual grant of some 26,000 francs, which is spent under Government direction in the repair of a certain number of mosques, and the maintenance of a certain amount of worship. The general application of a law of this sort would create in India an amount of repulsion, and perhaps of disturbance, that no Government would care to face, but in Algeria the situation has somehow or other been accepted, and, as you travel through the villages, you constantly come across large placard notices of the intended lease by auction of such and such lands, formerly devoted to religious purposes, and now the property of Government. What makes things seem the more unfair is that the sum allotted to the Mahomedan population in the religious budget is ridiculously small in comparison with that devoted to the other forms of religion. The following are the figures for 1891 :—

		Sums allotted in the budget.	Population.
Catholics	...	... 808,183	482,000
Protestants	...	... 94,058	10,000
Jews	...	... 25,925	47,600
Mahomedans	...	... 261,340	3,567,000

There is no press or educated public opinion which can ventilate their grievances in a way which would make the Government uneasy ; but the result of these arrangements is that the regular mullas and marabouts are gradually driven to leave the mosques and to maintain themselves by fanatical teachings and miracle-workings at the shrines of saints, where they are far less under control and far more liable to do mischief than in the ordinary services of religion. This tendency has been recognized by the French, and efforts will no doubt be made, by some means or other, to support these people and to make them loyal, but I mention the circumstance as illustrating the kind of danger to which the French administration is so constantly exposed in dealing with the religious environment of the Arabs.

ART. IV.—THE KAFIRISTAN AND THE KAFIRI TRIBES.*

A BRAVE and most interesting race of people, who have maintained their independence during the course of ages, is being sacrificed to slavery, and probably to extinction by a nation which prides itself on its love of freedom and hatred of slavery, and yet has abandoned the Káfirí tribes of the Hindú Koh to the Afgháns, who, like all the Mahomedans who preceded them, have long desired to reduce these poor people under their yoke.

While the Anglo-Indian Government has been taking away nearly every Afghán tribe from its Afghán head and natural ruler, the only mainstay of the existence of an Afghán State—"a strong Afghánistan," as the politicians are pleased to style it—it has made over these unfortunate Káfirís, as a sop, in exchange for his own Afghán people, whom it has thus alienated from him, to the Afghán Amír, and to the tender mercies of his bigoted, cruel, slave-making people.

One of the objects for which the Afghán border tribes are said to have been selected for annexation is their "fighting qualities;" but the Káfirís are in this respect of still better quality, and have hitherto, although so weak in comparison and badly armed, maintained their entire independence for centuries past, against all comers without intermission, which the Afgháns have never been able to do. Had the Anglo-Indian Government annexed Káfiristán at the same time as Chitrál, we should have had a grand barrier against an enemy from the North-West or South; and better fighting material could not have been found in Asia, nor was there a more promising field for missionary labour.

Some 22,000 ruthless Afghán and other Musalmán troops, armed with all the most recent weapons of destruction, including artillery, have been let loose upon these wretchedly armed people from three or four different points, while the freedom-loving British look on.

Thirty-eight years ago I gave some account of this ancient people in the *Journal of the Asiatic Society of Bengal* (Vol. for 1858); and I have always taken great interest in them. They have, however, been several times "discovered" since I first wrote: the last and latest discoverer of "Káfiristán," as he styles it, discovered that no one knew any thing about them but himself, yet he appears to be innocent of any knowledge of any Oriental language but colloquial Hindústáni; he probably came in contact with some of the frontier Káfirís,

* This paper was written before news of the operations of March last against the Kafirís reached England.—ED., C. R.

despised by their own people, and may have communicated with them at second, or even third hand, through native interpretation ; he cannot even spell their names correctly ; and he certainly never entered their real country at all.

Since I first wrote about the *Sí'áh-Posh Káfiris*, I have obtained much further information on the subject, and have found them mentioned continually in the histories of the neighbouring tracts of country. At this crisis in their fate, a brief account of them and their mountain homes may not be unwelcome.

These *Káfirí* tribes have no particular history of their own, as far as I was able to discover when I first wrote on the subject. Neither have they any written character whatever ; but they all speak the same language, with a trifling difference, such as dwelling in separate localities might occasion. Most of the chiefs of the parts around distinctly claim European descent ; the *Káfiris* have always called themselves, since they first heard of us in India, "brethren of the Farangs, or Franks ;" and when at last the British invaded the *Afghán* State in 1838-39, they entertained great hopes of deliverance from their Mahomedan persecutors, who surrounded them on all sides, and had scarcely ever left them at peace during many centuries. On that occasion, the *Káfiris* made an effort to enter into friendly intercourse with us, and despatched a deputation for the purpose, at the time when the subsequently murdered envoy, Sir W. H. Macnaghten, was at *Jalál-ábád* along with *Sháh Shujá'-ul-Mulk*, in December 1839 ; but they were treated with contemptuous coldness, if not rudeness, as I previously related in my account of them in 1858. The anecdote I then related about it has been many times appropriated since by several who have written about this people, but without acknowledgement, but so garbled, that I think I had better relate it again.

The circumstance was related to me by an officer of Conolly's acquaintance, and of my old corps, who served in the *Sháh's* contingent, and was a fellow prisoner with *Lady Sale* and the other captives, and who is still living :—

"In the end of 1839, in December, I think it was, when the *Sháh* and Sir W. Macnaghten had gone down to *Jalál-ábád* for winter quarters, a deputation of the *Sí'áh-Posh Káfirs* came down from *Múr gal* to pay their respects, and, as it appears, to welcome us as relatives. If I recollect right, there were some thirty or forty of them, and they made their entry into our lines with bagpipes playing. An *Afghán peon* [orderly] sitting outside Edward Conolly's tent, on seeing these savages, rushed into his master's presence, exclaiming, 'Here they are, Sir ! They are all come ! Here are all your relations' Conolly, amazed, looked up from his writing, and asked what on earth he meant, when the *peon*, with a very innocent face, pointed out the skin-clad men of the mountains, saying, 'There ! don't you see them ? your relatives, the *Kafirs* ?' I heard Conolly tell this as a

good joke, he believing at the same time that his Afghán attendant was not actuated by impudence in attributing a blood connection between his master and the Káfirs. The Káfirs themselves certainly claimed relationship, but I fear their reception by poor Sir William was not such as pleased them, and they returned to their hills regarding us as a purse-proud people, ashamed to own our country cousins."

The Afghán attendant was only stating what was universally known among the people of these parts, that the Káfiris claimed European descent.

A grand opportunity for entering into friendly intercourse with them was thus thrown away. On the next occasion of invading the Afghán State in 1880-81, while our troops occupied Jalál-ábád, when several officers were anxious to enter their country, and some even imagined they had done so, the Káfiris made no collective and unanimous attempt to enter into friendly intercourse. They had had enough of their Farangi brethren, who now have betrayed them to the Afghán.

The stock from which most of these Káfiris probably sprung may be said to be more truly Greek than the people who occupy Greece at present. The followers of the Macedonian Alexander, as we read in the accounts of his campaigns, recognised in them the descendants of a still older Greek colony, planted in the parts they occupy, by Dionysus, and the Bacchic dance, and remains of orgiastic worship of Dionysus, as well as other evidently Hellenic memories, are still existent among these people. It is a curious fact that the Mahomedan historians, for the last eight or nine centuries, continually mention that the petty rulers of the small States of Badakhshán, Chitrál or Káshkár, Koshán, Shighnán, Wakhán, and Darwáz, all distinctly claim descent from Zú-l-Karnain, that is, Alexander of Macedon, the latter chief from "generation to generation."

The intelligent Mír, Sháh Rizá, the Bádsháh, or Chief, of Drúsh of Chitrál in the last century, in referring to this part of the great range of the Hindú Koh, namely Tírach Mír, Kund, or Sarowar, as it is also called by different races of these parts, which stretches eastwards to Káshghar of Turkistan, and westwards as far as Hirát, in showing this part of the great range to the authority I am here quoting, who was in Chitrál with him for some time, repeated these lines respecting it:—

"Zú-l-Karnain went towards the Koh-i-Kaf,
He saw it was a mountain like an emerald clear.
He said: 'Thou *art* indeed a mountain! What are others
That they can supersede thee in thy vastness?'
It said: 'These (other) mountain (ranges) are my veins,
But in splendour and beauty they do not equal me."

To these people of Hellenic descent, the persecutions and violence of the Mahomedans from early times, have added

Tajzik or Iráni elements of the creed of Zardusht, on the west and northern sides of their country, and some others of the Buddhist and Brahmanic faiths, on the east and south.

The earliest Mahomedan invasion of the southern portion of their then country that we know of, was under the Turk Sultán, Mahmúd, ruler of Ghaznih. The Gardaizi, the Tajzik author of the "*Zain-ul-Akbar*," so called from being a native of Gardaiz ("Notes on Afghánistán," p. 684), who wrote just thirty years after it took place, says, in his History, that "shortly after Amír Mahmúd returned from his expedition against Rájah Nandah of Kinnauj, in 410H. (1019-20 A.D.), intimation reached him that there were two *darahs*—a *darah* is a long narrow valley with mountains or hills on either side, and a river running through it—one known as Kirát and the other Núr. The Amír was told that these were strong positions, and that the inhabitants thereof were Káfirs (which word, it must be understood, does not specially indicate the people here under notice, but non-Musalmáns generally) who worshipped idols. The Amír, in consequence, resolved to enter those *darahs* with his troops; and he gave directions that a number of artizans, such as blacksmiths, carpenters, stone-cutters, excavators, etc., should accompany the troops, who were to fell trees, split rocks, and clear the routes, as the forces advanced. When they had arrived in those parts, Kirát was the first object of attack. It was a place of sanctity; its people were lion-worshippers, its climate cold, and its fruits abundant. When the Sháh (as he is styled) of Kirát heard of this hostile movement, he came forward and submitted, and sought Amír Mahmúd's protection. He was received with honour, and well treated, and embraced the Musalmán faith, along with a great number of his people [to save their lives probably]; and teachers were left to instruct them in the tenets and canons of the Mahomedan faith.

"The people of the Darah of Núr, on the contrary, were contumacious; so the Amír Mahmúd directed the Hájib (Chamberlain) 'Alí, son of I-yal-Arsalán, to advance into that *darah*, which he did. He reduced it, raised a fortification therein, and left a garrison to hold it under 'Alí, son of Kadr-i-Raják, with directions to force the contumacious people to bend their necks to the yoke, and compel them to embrace the faith of Islám." This happened in 411H. (1020-21 A.D.); and the author says that the true faith soon began to prosper therein.

The Darah of Núr still retains its ancient name; but the identification of Kirát is difficult, and can scarcely refer to the tract inhabited by the Kaṭor before their late, almost entire, extermination.

The Ustád, or master, Abu-Rihán, a contemporary of the

Gardaizí, says, respecting the river of Kábul and its tributaries, that, having passed by Lamghán, the united streams join near the fort of Darúnthah [a well-known place a few miles N. W. of Jalál-ábád. See "Notes," pages 99 and 101], and fall into the river of Núr and Kirát. "After this junction," he says, "the united waters meet together opposite the town of Parsháwar," which stood near where Pas'haur, now Pes'háwar, stands.

The first time these identical Káfiri tribes are distinctly mentioned by name in Mahomedan history, is in the time of Amír Tímúr, the Gúrgán (*vul.* Tamerlane) the Burlás Mughal, who made a raid upon them when on his way from Samarkand to Kábul to invade Hindústán.

Amír Tímúr, having set out from his capital in Rajab, 800 H. (April, 1398-A.D.), passed Buklán, or Bughlán (k and gh are interchangeable), and reached Undar-Âb (Indarab of the map), on the northern slopes of Hindú Koh. There the people complained to him of the outrages inflicted on them by the Káfirs of Kaṭor, and the S'áh-Poshán, that they (the people of Undar-Âb), being Musalmáns, the Káfirs every year extorted money from them and demanded tribute; and, if they delayed paying these demands, they slew their males and carried off their women and children into captivity. They might have added, just in the same manner as they, the Undar-Âb and other Musalmáns, treated the Káfirs.

Abú-l-Fazl, in his account of Amír Tímúr's expedition against them, calls the former Hindúán-i-Kaṭor, *i.e.*, Hindús of Kaṭor; and, in describing the boundaries of Buner, Suwát and Bájawr (*vul.* "Bajour"), he says they are bounded on the north by Kaṭor and Káshkár (or Chitrál). This shows that the people he calls Hindúán of Kaṭor, refer more particularly to those whom others, presently to be mentioned, call Safed-Poshán, or White-clad Káfirs, in distinction to S'áh-Poshán or Black-clad Káfirs, who are the people whom the Afgháns are doing their best to exterminate.

To return to Amír Tímúr. As he had expressly undertaken this expedition to carry on holy war against infidels generally, he determined to move against these Káfirs in person. Three out of every ten men of his army were selected for this expedition; and the Amír-Zádah, Sháh-Rukh, was left behind in charge of the rest of the army and baggage at the *belak* of Ghúnán and Yaktúr (or Baktúr).

Amír Tímúr pushed on, making two ordinary marches each day, until he reached a place called Paríán. From this place he detached a force of 10,000 men from his left wing, under the young Amír-Zádah, Rustam, and Burhan, Ughlán, the Kaiát, against the S'áh-Poshán [farther to the south], while he himself continued to move in the direction of the Káfirs of Kaṭor.

When he reached Kháwak, near the north-west skirt of the mountains of Kaṭor, he found there a fortress in ruins. He directed that it should be forthwith repaired and garrisoned, and most of the Amírs, and all the soldiers, left their horses there, and began to ascend the mountains on foot.

Notwithstanding that the sun was in Gemini (end of May), and the air warm, the snow was so deep that the horses' legs sank into it, so that they could not get on. Tímúr therefore continued his advance up the mountain range in the night, at which time the snow froze, and, in the day time, when the snow began to thaw, halted, placing the few horses with the force on woollen cloths and felts, to keep them from sinking into it, and again commenced to push on towards the close of the day. The troops continued to move onward in this manner until they had ascended another mountain range, exceedingly lofty. Here those Amirs who had brought their horses along with them sent them back, and proceeded on foot, like their men.

As these infidels had taken up their quarters in the *darahs*, and as, from the mountain range on which they then were, there was no road by which to descend and gain access to those places on account of the depth of snow, a number of Amírs and troops of the right and left wings lowered themselves down from the mountains by means of ropes, while others, lying on their backs on the surface of the snow, slid down, until they conveyed themselves to the more level ground of the valley beneath.

They made a sort of wooden sledge for Amír Tímúr, to which iron rings were attached, and to which rings ropes were fastened, each about one hundred and fifty *gaz* (ells) in length. In this Tímúr was seated, and a party of troops lowered him down in this sledge as far as the length of the ropes would permit, while a few men, with spades and mattocks, cleared away a space in the snow sufficient for the sledge to rest upon, until the party descended and began to lower it another length of the ropes. In this manner Amír Tímúr was conveyed to the foot of the mountain range, where, taking a staff in his hand, he proceeded onwards on foot, for about another league. An attempt was made to lower several horses of his own private stable for his use. Their legs were first firmly tied together, and strong ropes were fastened round their bodies and necks, and they were then lowered. Some, that they could not keep their hold of, fell from the mountain and perished, but two horses reached the bottom in safety, and Amír Tímúr mounted again, while his Amírs and troops accompanied him on foot.

"The Káfirs of this region," says the historian, "are like the tribe of 'Ad, and of robust and powerful frame, and they have

a separate and distinct language, different from Pársí, Turkí, and Hindí, and understand no other language than their own. There is no way of communicating with these unbelievers except by means of persons who have chanced to dwell in places near them, and have acquired their language, who act as interpreters. They possessed a fortification, or stronghold, at the foot of which a considerable river flowed [this appears to be the river issuing from the Wámán Darah, mentioned at page 134 of my 'Notes'], and, on the opposite side, a great mountain range towered to the skies; "part of the Tíraj-Mír, Kund, or Sarowar range, doubtless.

Those infidels, having obtained information, a day and night previously, of the movement of Amír Tímúr's forces against them, had evacuated this stronghold, crossed the river, and conveyed their property and effects up into that lofty mountain range, imagining that no one could reach them there, and there they had taken up their position. When the troops, after much labour, reached this stronghold, they found it was totally deserted; all they found there was a few sheep, which were removed; and the dwellings of the infidels were given to the flames. Amír Tímúr gave directions to scale the mountains on the opposite side of the river. The river was speedily passed, and the troops began to ascend in all directions. Shaikh Arsalán, with the division, or *tomán* (10,000 men), of Kapak Khan, belonging to the left wing of the army, pushed on in advance of the rest of the troops, reached the crest at one point, which commanded the position of the Káfirs, while 'Ali Sultán, the Towachí, from another direction, drove some of them out of their position and captured it, and Sháh Malik, and other Amírs, also exerted themselves greatly; indeed all, Amírs and soldiers, both of the *kushíns* and *hazárah*s, displayed great valour, and among the casualties sustained was that of fourteen men who fell from the mountains and perished. The fighting continued, with scarcely any intermission, for three whole days and nights, during which time the infidels were driven from position to position, and reduced to great straits. They now sued for quarter, and Amír Tímúr despatched Âk Sultán, Káshí, to them, to intimate that, if they submitted to the Amír's authority, and would embrace the Mahomedan faith, by acknowledging the one true God, in heart as well as in word, their lives and property should be spared, and the country left in their possession.

This having been explained to them by means of an interpreter, they, being in a desperate state, accepted the terms offered, and on the fourth day presented themselves, accompanied by Âk Sultán, in the presence of Amír Tímúr. They declared their willingness to obey in all things, and that he

should account them his servants. They were dismissed with encouragement, after receiving honorary dresses, and expressed themselves much gratified. When night closed in, however, they made an attack upon the post of the Amír, Sháh Malik. They were repulsed, after inflicting considerable loss upon the troops, but one hundred and fifty of the unbelievers were killed and captured, and many others, who managed to escape, were wounded. The whole force now set out in pursuit of the Kator infidels up the mountains. All those who remained of them were put to the sword, their women and children were made captives, and towers of their heads were erected. "This success was gained in the month of Ramazán, 800 H. (beginning of June, 1398 A. D.), and the circumstance and date were inscribed on a tablet of stone, and there set up as a record to posterity of the grandeur of Amír Tímúr-i-Gúrgán and of his power; for it was affirmed by the people of those parts, that none of the powerful sovereigns of former ages, from the time of Sikandar-i-Zú-l-Karnain, had ever subdued that part."

As no news had been received from the Amír-Zadah, Rustam, and Burhán, Ughlán, who had been despatched at the head of 10,000 men against the Síáh-Poshán, Amír Tímúr, taking one of the Katorlán as a guide, sent several of his house-born servants, including Muhammad Azád, who was made commander of the force, at the head of 400 Turks and 300 Tájziks, to make inquiries respecting them.

Muhammad Azád, guided by the Kator Káfir, set out by narrow and difficult routes, and, after great labour, ascended and reached the crest of another lofty mountain range covered with snow, bounding one of the *darahs* belonging to the Síáh-Poshán. The only means of getting into the valley, on account of the paths being blocked with snow, was by sliding down the mountain sides. So, securing their shields strongly to their backs (as a protection), they lay down flat on their backs, and slid down into the valley below. Having set out from thence, they reached a fortification belonging to the Síáh-Poshán. They went round it to reconnoitre, and could neither see nor hear any one, but they discovered the tracks of a multitude of people.

It appeared that the Amír-Zadah, Rustam, and Burhán, Ughlán (who was the real commander of the troops, for he was sent to take charge of the young prince, who was only nominally its commander), had reached that fortification, which the Síáh-Poshán, advised of the approach of enemies, had recently abandoned, and retired into a narrow defile, where they had laid an ambuscade in case they should be followed. Guided by tracks, Burhán, Ughlán, entered the narrow valley

with his troops, and, without taking due precautions, there halted. The troops were entirely off their guard ; some had laid aside their arms, and some let their horses loose to graze, when the SÍ'áh-Poshán suddenly rushed upon them. Burhán, Ughlán, out of cowardice and incapacity, showed no fight, and was the first to cast away his armour and fly, and on this account his army sustained a defeat. The SÍ'áh-Poshán, seeing the Musalmáns flying, became the bolder, followed in hot pursuit, and slew a great number, including several Amírs.

Following the tracks, Muhammad Azád, at the head of his 700 men, entered the defile, and came unexpectedly upon the SÍ'áh-Poshán on the spot where they had fallen upon Burhán, Ughlán and his troops. An obstinate encounter ensued, and, after killing a number of the infidels, Muhammad Azád repulsed them, and put them to flight, recaptured the armour, arms, and horses of Burhán, Ughlán's force, and succeeded in joining him and his fugitive army. Those who had lost their arms and horses received them back again. Muhammad Azád wished that the whole force should remain where they were for a time, but Burhán, Ughlán, out of the pusillanimity of his heart, would not consent, and ascended the pass leading out of the country ; and, as a matter of course, the troops could do no more than follow.

This Burhán, Ughlán, had misbehaved himself before in the war with the Uzbaks, had been pardoned, and was only sent on this expedition to enable him to redeem his name ; for, from the time of the Chingiz Khán, no one of the race of Kaiát had ever acted with cowardice before.

After Amír Tímúr had been thus victorious over the Kaṭorlán and SÍ'áh-Poshan, he despatched two officers with a body of troops to search for another way of issue from their country than the one they had come by, and he likewise gave orders to root up the people's corn, which was yet green, and destroy it.

The detachment sent out to search for a road found a practicable one, which they made available after cutting through the snow in some places. Amír Tímúr, accordingly, set out on his return, crossed the mountains and defiles, and reached Kháwak again, where his troops, after being on foot for eighteen days, mounted their horses once more.

Burhán, Ughlán, was disgraced, and Muhammad Azád, who, with his 700 men, had gone against and overthrown the SÍ'áh-Poshán, was well rewarded ; and all those with him also, according to their ranks and conditions.

Amír Tímúr left a garrison in the fort of Kháwak, crossed the mountains of Hindú Koh by the Túl (Bábar Bádsháh calls it Túl, *i. e.*, long) Kotal to Panj-her, which is also called Panj-

sher, and marched to the *jal-gáh* of the Ab-i-Bárán, or Bárán river, which is distant from Kábul about five *farsangs*, or leagues.

In after years, Sultán Mahmúd, son of Sultán Abu-Sa'id, Bahádur Khan, son of Mírzá Sultán Muhammad, son of Mírán Sháh, son of the Amír Tímúr-i-Gúrgán, who, after his father had been put to death by the Turk-máns, in 873 H. (1468-69 A.D.), set himself up at Hirát as sovereign of Khurásán, had soon to fly from thence. He retired to the Hisár-i-Shádmán—Shádmán's Hisár, so-called after its founder succeeded in obtaining possession of a large extent of territory between the Oxus and Badakhshán, as far south as the mountain of Hindú Koh.

He, on several occasions, engaged in expeditions against, and made raids upon, the Kaṭor Káfirís and the Sí'áh-Poshán; and on that account obtained the title of Ghází among his co-religionists. Perhaps among other things that the Bárakzí Amír, 'Abd-ur-Rahmán, is aiming at, one of them may be the title of Ghází. This Sultán Mahmúd, great-great grandson of Amír Tímúr, died in 899 H. (1493-94 A. D.).

Bábar Bádsháh (who was not a "nineteenth century adventurer," as we are told in the *Geographical Journal*, for the present month, among other equally curious statements) gives an account in his "memoirs" of several forays into the Káfiristan; but he did not entertain the least idea of permanently occupying any part of their country; and probably saw the difficulty of such an undertaking from the determined opposition he met with from these hardy mountaineers.

The next recorded expedition into these parts is that of Rashíd Sultan, the Mughal, son of Sultán Sá'id Khán of Káshghar; but he only penetrated into the northern and eastern parts of the then Káfiristan: most part of it has become Mahomedan since that time. Mírzá Muhammad Haidar, in the "*Tarikh-i-Rashídí*," who was present on that expedition—which took place in 934 H. (1527 A.D.)—, describing it from a Musalmán point of view, says: "It is a Káfiristán, that is to say it is peopled by unbelievers and idol worshippers, who abstain from nothing, and care for nothing, and, following their own natural instincts, do whatever pleases them best. It is a maze of lofty mountains, and is bounded on the east by Káshghar and Yárkand; its northern part adjoins Badakhshán; on its west is Kábul and Lamghán; and on the south Suwát and Kash-mír."

It will be seen from this, that just the whole of the easternmost half of the tract here described has since that time been made Musalmán, and that accounts for the parts nearest the two latter valleys being thinly populated at present. This raid,

consequently, was upon the people known as the Safed-Poshán, or White-clad Káfirís, who have nearly all become Mahomedans, or have been partially exterminated since the Yúsufzís and Tarkalárni Afgháns penetrated into these parts, and were pushing their way northwards at the very time Mírzá Haidar refers to. I shall give a detailed account of these conquests in my "History of the Afghans." See also "Notes on Afghánistán," pages 161, 171, 190, 194 and 228.

In 955 H. (1548 A. D.) Muhammad Humáyún Bádsháh (after he had been driven from Hindústán by the Afghán, Sher Khán, afterwards Sher Sháh, and while in possession of Kábul and its dependencies), on his way back to Kábul, after a campaign in Badakhshán, reached Sar-i-Ab, one of the small towns or villages belonging to Undar-Ab before referred to. He halted there with the intention of going to see the fort of Paríá (Kháwak) at the head of the Darah of Panj-her, which had been repaired by his great ancestor, Amír Tímúr, when he undertook the expedition against the Kaṭor Káfirís. The place was reached, and the fort found, and put in repair; and the Bádsháh left a small garrison in it, and assigned it to the feudatory of that part. The situation was good, with plenty of running water, and the climate salubrious.

These Káfirís north of Panj-Korah, Suwát, and Buner—these Spín or Safed Káfirís—at that period acknowledged, nominally at least, allegiance to Khán Kajú, the famous chief of the Yúsufzís and Mander Afgháns.

In 989 H. (1581 A. D.) Jalál-ud-Dín Muhammad, Akbar Bádsháh, on reaching Jalál-ábád, which was so-called after him, on his return from his campaign against his brother, the Mírza Muhammad Hakím, and where the main body of his forces then were concentrated under his eldest son, Sálím, afterwards Jahán-gír Bádsháh, despatched a body of troops "to penetrate as far as the skirt of the mountains of Kaṭor, famous as the country of the Sí'áh-Posh Káfirán," but no particulars are given. The historians of Amír Tímúr's expedition, it will be noticed, make a difference between the Kaṭor Káfirís and the Sí'áh-Poshán, but here they are called "the Sí'áh-Poshán of the mountains of Kaṭor." It must be understood, however, that Tímúr assailed their country from the north-west, while this expedition, of which no details are given, reached the south-east corner of it, as at present constituted.

In the same Bádsháh's reign, his famous general, Zain Khán, however, penetrated as far as the country of the Káfirís lying near, or rather adjoining, Bájawr on the west, in pursuit of the Táríkí leaders, the successors of the notorious schismatic, Pír-i-Roshán, or Saint of Light—the Pír-i-Tárík, or Saint of Darkness, of the orthodox Musalmáns. Zain Khan drove

them out of that part ; and in these operations, some of the Káfirís assisted the Bádsháh's troops.

When Akbar Bádsháh's son and successor, Muhammad Jahán-gír Bádsháh, reached Jalál-ábád, on his way to Kábul, in 1035 H. (1625 A. D.), a deputation of the S'áh-Posh Káfirís, from the Darah of Núr, which at that period they still held, came in and made their obeisance to the Bádsháh. "And now," says the writer I am quoting "I will mention a little concerning them, and their manners and customs. They resemble the Káfirís of Tibbat [the Safed Poshán, or White clad Káfirís previously referred to.] They make an idol in the resemblance of a man and worship it ; and do not marry more than one wife, except the first be barren, or the husband be displeased with her, or she refuses to live with him. In such case, however, if the relations of the first wife have the opportunity, they put the husband to death for repudiating her. If the father of any one takes a fancy to the wife of his son, it does not matter, and he can take her to himself if he chooses.

"Their dwellings are not detached from each other, neither are they enclosed within walls, but adjoin each other ; and those who desire to proceed to the house of a relation or a kinsman, are in the habit of going along the roofs of each other's dwellings to enable them to do so. With the exception of hog's flesh, fish and domestic poultry, all other food is lawful to them. They say that all among their people who eat fish become blind. Meat is generally boiled, and eaten sometimes hot and sometimes cold. Cattle, such as oxen or buffaloes, they slaughter by striking the animal on the neck with a sword. Goats and sheep are killed by cutting their throats.

"The Káfirís are very fond of red-coloured clothes, and those among them who have slain a Musalmán fasten little bells round their waists. Their dead, they dress in their best garments, and place the defunct in a grave along with his weapons (if the corpse of a man), a vessel of wine, and a cup.

"When they take oath or make a covenant, the head of a deer or a goat is placed on a fire, withdrawn again and set on the branch of a *Zaitún*, or wild olive tree, and then they swear by it. They say that whoever breaks such an oath as that will certainly fall into calamity.

"The Bádsháh was much pleased at seeing these S'áh-Poshán, and promised to give them whatever they desired to have. They asked for horses, swords, some money, and red dresses. Their desires were complied with ; and they departed well pleased with their reception and presents."

The next notice that we have of these ancient people, in chronological order, is on the occasion of the invasion of their country, shortly after, on the northern side, in the time of Nazir Muhammad Khán, the Uzbek Mughal, a lineal descendant of Júi Khán, eldest son of the Chingiz or great Khán. This invasion was undertaken by one Amír Yahyá, a Khurásání, who had been in the service of Mírzá Amán'ullah, son of the great Muhabbat Khán of Indian fame, when governor of the Kabul province, who held Amír Yahyá in great estimation. He, however, had to give up Amán'ullah's service through the envy of the Hindústánís, who were planning his destruction; and in the disguise of a *Kalandar*, or devotee, he left Kábul and set out towards Kator and Báshkár (the long *darah* or valley running north-east from the Panj-Korah river near Chugyá-tan, which we heard of in the late invasion of Chitrál), with the object of getting into the Káshghar State of Turkistán. During this journey he crossed many most difficult mountain ranges and frightful defiles and passes, and at last reached the presence of Sháh Babar ["Sháh" is the title by which all the petty rulers of the small states on either side of the Hindú Koh, Kund, or Tirach-Mír are and were known. See "Notes on Afghánistán," p. 154], the ruler of Chitrár. or Chitrál (*r* and *l* are permutable). He was kindly received, and remained some time with him; and at last, having abandoned the desire of going to Káshghar, he proceeded by way of the Káfirí village of Munjish, and crossed the Hindú Koh again—the Káfirís used not to molest *Kalandars*—and proceeded to Balkh, which he reached in 1030 H. (1620-21 A.D.). There he soon gained the favour of Nazr Muhammad Khán, who at first made him his private librarian; and subsequently he was entrusted with the administration of some districts. Having shown his capacity and trustworthiness, he was placed in charge of the whole territory of Badakhshán [as much of it as was under the sway of Nazr Muhammad Khán—the western portion of it]. There he greatly distinguished himself in many difficult, dangerous, and momentous affairs. In the beginning of 1045 H. (1635-36 A. D.) he proposed to undertake the subjugation of the Káfirís of Kator and the Gibarí of Gibarak [Bábar Bádsháh also mentions it], and the S'áh-Poshán, who on account of their numbers, and their power, set themselves to impose tax and tribute on the inhabitants of some of the confines of Kábul, Badakhshán, Káshghar, Káshmír (1), and other parts.

"Amír Yahyá," says the Ūzbek historian, I am quoting, "in concert with some of the chiefs and Básh-líghs of Kishm, which is the capital and seat of Government of Badakhshán, and of the Kol-Áb and Rusták territories, and some others in accord with him, having made their preparations in Kishm,

they moved and soon after occupied the *jal-gah*, or grassy valley, of Anjúmán, where they made their final arrangements for the expedition."

Anjúmán is so called from a sub-tribe, or branch of a Mughal tribe, probably of one of the *mings*, or *hazarahs*, located in this part in former years. The river of Anjúmán, having passed Wughnán, unites with the Warsaj near Míán-Shahr of Warsaj, and finally with the Wardúz (*vul.* "Wardoj"). The river of Kurán unites with the Kúk-chah, rather less than two miles on the right hand side of the village of the Ribát, so called after one of those frontier defensible buildings which stands there or lately stood, and below Faiz-ábád is known as the Kúk-chah. This river was correctly called the Kuh-kachah, but the name, through constant use, became vitiated into Kúk-chah.

"They then pushed on quickly to Kímargh, or Kaimargh; and the next day, at sunrise, crossed from that place, and reached the crest of the Warzí, or Warazí, 'ukbah, or acclivity [to the westward of the pass of the Do-Ráhah], where is the source of the Kúk-chah river. As there were no means of descending from that tremendous range without some contrivance, they, taking a lesson from Amír Tímúr's expedition in former times, lowered the horses from the summit by means of ropes, while the men, having wrapped themselves up in felts and coarse canvas, slid down.

"By these contrivances all the men and horses were transferred from the summit of the acclivity to the bottom. Next morning they moved onwards again from thence, and reached the banks of a river [the river of the Múnján Darah, a feeder of the river of Alingár], and there came to a halt. Before day dawn, they again set out and hastened to ascend the lofty mountains and difficult defiles in front of them before the sun should rise. This they effected and succeeded in reaching, without the unfortunate Káfirís having any intimation of their movements, the banks of the Kaṭor river, as it is called, at the point known as the *Kintarah*, or bridge of Kaṭor, and there they had to halt. There was no vestige of a bridge, but, on the faith of ages gone by (which said there was or had been one there), the place was known as the Pul-i-Kaṭor, or Bridge of Kaṭor. The invaders proceeded at once to fell several stout and lofty trees, which they threw across the river, over which they laid branches, underwood, and earth in large quantity, and thereby made a strong and efficient bridge. Having crossed the river, Amír Yahyá and the other chiefs held consultation as to further proceedings.

"From the position they were then in to the habitations of the Káfirís was still a distance of ten *farsangs*, or leagues. It was therefore determined to divide their forces, and advance upon

them in separate bodies and in different directions. Having made their arrangements without loss of time, each division set out towards the point agreed upon among the villages of the Katorlán, where they proposed to meet again. From evening to near dawn the next day, they pushed on, over difficult passes, ascents, descents, and through narrow defiles, until near dawn, when they suddenly and unawares fell upon the Káfirí people, totally off their guard, and, like a tempest of destruction, at once proceeded to slay, plunder, devastate, and burn every thing they met with. On that day, ten *Kasbahs*—large villages or small towns—out of the fourteen which this part of their country contained, those of Aṭatí, Zá-o, Kandah, Bundah, Sal (or Tal or Tul), Kanjnak or Kanjannak Bujá, and others, were sacked and totally destroyed, all the adult males massacred, and their women and children, their goods and effects, became the booty of the Islámis; the idol houses, or temples, of that part were razed to the ground; and, after the manner of Amír Tímúr, with the heads of the slain, which amounted to over 2,000 men, several *manárs*, or towers, were erected, as an example [of brutality] to the world." We shall probably shortly hear of more *manárs* of their heads built up by the Afghán invaders of their country; atrocities equal to Bulgarian or Armenian, but sanctioned by humane and freedom loving England. They have already destroyed near upon two hundred temples, and a vast number of their idols, as they call them.

The invaders under Amír Yahyá then proceeded to destroy all plans of defence or shelter, and such idol houses as remained, and they were thus occupied until the ninth day [the fortunate number of the Mughals, who probably constituted the bulk of the invader's force], after which, with their vast booty and their captures, they set out on their return by the easier way of Parlán—before mentioned in the notice of Amír Tímúr's expedition—and got back to Badakhshán in safety.

The writer further states, that among the remarkable things which happened during this expedition was, that these successes were gained in the very part in which Amír Tímúr's troops sustained a reverse [under Amír Zádah Rustam and Burhán, Ughlán], in which a number of his men and several Amírs, such as Shaikh Zain, Sújí, and Daulat, Jaba-chí, and others were martyred [!] by the Káfirís of Kator; and from that day the sword of retaliation had never before fallen upon those infidels to avenge them; until Amír Yahyá, wielded it against them."

Likewise, during the time Nazr Muhammad Khán ruled over Balkh and its dependencies, Sháh Dará, who, for a period of forty years had ruled independently at the *Mawza'* of Ushán,

of Badakhshán, was overcome, and his territory annexed to Nazr Muhammad Khán's ; and the traces of heresy, which for a long period had been disseminated in that part from Darwáz, were entirely eradicated, and the Sunní faith re-established therein. The writer was mistaken in this ; for the Ismá'íliáh heresy is still in full swing in those parts ; and its votaries acknowledge the head of that sect, the Aghá Khán of Bombay—Sultán Muhammad Sháh—to this day.

Another event which happened at this period, in connection with those petty rulers who claimed descent from Alexander of Macedon, was the submission of Sháh Bábar, the Wálí or Prince of Chitrár, or Chitrál, and Báshkár (previously alluded to), " which hitherto the most powerful sovereigns had been unable to lay their hands upon." This Sháh submitted of his own free will and accord, no violence or pressure having been used towards him. He had entertained the idea of submitting from his intercourse with Amír Yahyá, who had taken shelter with him on flying from Kábul, as before mentioned, and who had since been placed in charge of the Government of such part of Badakhshán as belonged to Nazr Muhammad Khán. The author I am quoting, who wrote at this very time, says : " It is recorded in various books of Chronicles that the genealogy of the Sháhs of Badakhshán reach to Sikandar-i-Zú-l-Karnain. Alexander of the (two) Horns—in this wise, that, when he returned to Bábal (*vul.* "Babel"), after having subjected most of the known world to his sway, finding his end approaching, he manifested many signs of anxiety respecting the safety of his children [who they were the writer does not mention]. This secret he communicated to his Minister, who sent one of them (a son) for safety into the narrow vallies of Chitrár and Báshkár, the strength and difficult nature of which was such that the most powerful monarchs of former times were unable to subdue them ; and there he and his descendants continued to dwell."

It was in these very parts, it will be remembered, that Alexander is said to have espoused Roxana, daughter of Axyartes ; and I relate the above tradition, which is universal among them, to show how the people of those parts still retained their Greek memories from generation to generation.

Abú-l-Fazl, in his *Á'in-i-Akbarí*, referring to the tracts north-west of Suwát—the Panj-Korah territory and further northwards—states that, when the Yusufzaí, and other Afgháns in alliance with them, first overran them, " they wrested them out of the possession of Sultáns who claimed descent from Sikandar-i-Zú-l-Karnain, and that some of them still remained in those parts, *with the genealogical tree of descent from Sikandar in their hands.*"

The Akhúnd, Darwezah, the famous saint of the Afgháns of these parts, whose family dwelt at Pápín in Nang-rahár, and came from the Darah of Pích originally, also claimed to be descended from Sikandar-i-Zú-l-Karnain.

Sháh Bábar having submitted, the *khutbah*, or public prayer, was read for 'Abd-ul-Múmin, Nazr Muhammad Khán's elder brother and suzerain, the ruler of Máwará-un-Nahr, and the coin was stamped with his name. "Since that time", says the Uzbek author, "the faith of Islám has been established in that territory, and *masjids* and *khánkaks* (religious structures, monasteries for *darweshes*) are kept up and supported."

The Sayyid, Ghulám Muhammad, who on two occasions was sent on a Mission to Kábul, to the Court of Tímúr Sháh, Sadozí, Durrání, by the Government of India in the time of Governor Hastings, visited some of the districts bordering on the Síáh-Posh Káfirí country, and stayed some time. He visited Nijr-Ab for one; and says: "Nijr-Ab, or Nijr-Ao, is the name of a large and lofty mountain tract, and in the villages situated therein dwell a people who speak the Persian language, and they cultivate the soil. . . . They and other people of these parts, carry on incessant warfare with the Síáh-Poshán, or Tor Káfirís.

"The mountains in which the Káfirís dwell join the hills of Nijr-Ab on the south, and there, on the border, Bábar Bádsháh erected a frontier post, in which *kashakchis* [guards—a Turkish word] are still stationed. Hostilities constantly go on between the soldiers and the Síáh-Poshán.

"The Síáh-Poshán are in the habit of lying in ambush in these forests and killing all Musalmáns who fall into their hands. It is a custom among these people to allow a man who has killed as many as forty Musalmáns to fasten an equivalent number of small bells around his waist, and he is accounted a great hero, and looked upon as a sacred person. The slaying of Musalmáns is a part of their religion [after the manner of Musalmáns who slay them on the same account, the writer should have added]. . . . Men who enter their country disguised as *kalandars*, or devotees, are not molested by them; and they call such a man, a son of God."

About the end of the last century, the Mahomedan chiefs of Bájawr, Panj-Korah, Kúnar, and others, confederated, together and entered the Káfirí country, where they burnt some hamlets, and forced several persons to embrace Islámism, and they are now included among the Nim-chahs. The invaders, however, were soon compelled to retreat, after sustaining severe loss.

About the year 1833, or 1834, the then Bájawr chief made an inroad into that part of the Káfiristán lying nearest his terri-

tory, when he burnt and sacked some villages, and succeeded in carrying off a number of people, whom he subsequently sold into slavery. Such is the treatment the Káfirís have had to endure for ages past ; but the present aspect of affairs is still far worse for them.

The Sí'áh-Posh Káfirís have no general name for themselves, and, should anyone inquire of them who and what they are, they would reply : " We are Káfirí ;" and they do not feel annoyed at being so-called.

Káfirí, however, is not a proper name, but an Arabic word signifying an infidel, or unbeliever, and is applied to non-Musalmáns generally by people of that faith. In South Africa the word has been turned into " Caffre," " Kaffir," etc. This appellation was first applied to the people of South Africa, probably by 'Arab traders from the ports of Arabia, the Red Sea, and Zangbár.

The country inhabited by the Káfirí tribes of the Hindú Koh, the general name of the range—for " Hindú *Kush* " is only the name of a Pass leading over it between But Bámíán and the Ghúr Band—is bounded on the north by Badakhshán and the formerly independent State of Kunduz, subdued by the Bárakzí Durrání Afgháns during the last thirty-seven years, and now styled " Afghan Turkistán," by European writers, probably because there is no part of Turkistán so called south of the Jíhún, or Oxus (see " Notes," page 148) ; south by the *darahs*, or valleys, constituting the districts of Mandráwar, Lamghán, Kúnar, and Kámán, and their dependencies, the southern portions of which are inhabited by Tájzíks, and the parts north of them by the people called Kohistánís, the inhabitants the Afgháns found there, and the Sáfi Afgháns, a division of the once great tribe of Parní (*vul.* " Punnee") ; east by Lower Káshkár, or Chitrál, Shí-Gal, Bájawr, and Panj-Korah ; but some of the Safed-Posh Káfirís extend further east, to the northwards of, and in the upper part of, the Suwát Darah, towards Gilgit. On the west it is now bounded by the Darahs of Panjsher, or Panjher, Nijr-Ab or Nijr-Ao, Budr-Ao, and Wálá-Sá'u, belonging to the present Afghán State ; but continual encroachments, in late years, especially on the part of the Afgháns and other Mahomedan neighbours, by whom they are completely hemmed in, has been reducing this area considerably.

North from Shí-Gal above mentioned, nearly eighteen miles, is Punat, belonging to the Sí'áh-Poshán, in the *darah* called Punat Darah. Chonash is five miles and a half farther north, and also belongs to the same people. Thence twenty-one miles west, inclining north-west, is Wáe-Gal, also called Wáe-Galán (the plural form of the word). On the way thither is a tremendous mountain range.

In Bábar Bádsháh's time, the Darah of Wálá-Sá'ú, or Alah Sá'í, as he calls it, on the Nijr-Ao side, was full of Káfiris. He also says, that the nearest part of the Káfiristán to 'Alí-Shang is Giwar [or Gibar, *w* and *b* being permutable], and the Alingár river issues from Giwar.

Abú-l-Fazl, who wrote in the Bádsháh's grandson's reign, says that the *toman*, or district, of Nijr-Ao is full of Káfiris.

At the present time, the lower part of the 'Alí-Shang Darah is peopled by Tájziks, the middle part by Kohistánís, and the upper or higher part by Káfiris.

Within the boundaries here given are included the great ridges and spurs, the vertebræ, so to say, of the great backbone of the Hindú-Koh, Tírach Mír, Kund, or Sarwar, as it is also called, with their numerous ramifications. These descend in a succession of great waves, or terraces as they may be also called, springing from about the centre of the range, chiefly towards the river of Kábul on the south, and the Palpi Sang, or river of Lower Káshkár, or Chitrál, on the east. Some large *darahs* within these boundaries, however, run in other directions. The particulars respecting these and their minor dependencies, will be found in the separate accounts of them given in my "Notes on Afghanistan," etc., page 148.

The extent of the country of the Káfirí people here under notice is, roughly speaking, about one hundred and ten miles long from N. E. to S. W. and about ninety miles broad from N. W. to S. E. Within this space there will be about 100,000 families dwelling.

The physical aspect of this tract is similar to that of the tracts adjoining them on the east, and consists of four great main *darahs*, or valleys, described further on, long and narrow in proportion, through which the principal rivers flow, bounded on either side by the side ridges of the Hindú Koh, which are generally snow-clad. These large valleys are again crossed in a transverse direction by numerous smaller valleys opening into them, which, in the same manner, are crossed by others still smaller, and almost innumerable; and through the whole of these streams of water flow, which increase the volume of the main rivers. The clearest definition, indeed, that can be given of one of these great *darahs* is that of a leaf with all its reticulations, the mid-rib, or *costa*, representing the main stream running through it; the *primary veins* the smaller streams and rivulets, its feeders; the point of the leaf the head of the *darah*, where is the *jal-gah* in which the river rises, and the *petiole* the river running from the *darah*, where lies the pass which generally leads to it.

There is much diversity of temperature and variability of climate in the Káfirí country, as might be expected, caused

by the great difference of elevation, some parts being considerably depressed, while stupendous mountain ranges, varying from 14,000 to 17,000 feet, surround the valleys on all sides. In the more elevated tracts the summer heat is never oppressive; and in the winter months the snow lies on the ground in some parts for weeks together. The more depressed valleys, again, are well sheltered from the cutting blasts of winter; and, although they are surrounded on all sides by towering mountains capped with eternal snows, the heat, in the months of June, July and August, is considerable; and in some secluded places it is oppressive. It is sufficient to bring to perfection vast quantities of excellent grapes and other fruits, constituting a large portion of the people's food. From the grapes a good deal of wine is made, for which, indeed, the Káfirís and their country have been noted among their neighbours for centuries past. Here, too, the ivy flourishes luxuriantly.

The soil of the valleys is generally a rich, dark red mould, containing a considerable portion of clay, but mixed with sand and stones towards the skirts of the hills; whilst that of the narrow and terrace-like strips of land at the sides of the mountains is mixed with sand in a greater proportion.

Rain falls in copious showers, but never for any lengthened period. It occurs chiefly during the spring months and towards the end of August and September, but occasional showers fall, as in other temperate climates, throughout the year. In the winter violent snow-storms are of frequent occurrence, which block up the passes, and cut off all communication between the different valleys, often for weeks together.

The climate, on the whole, is very healthy, and but little sickness is known. The principal diseases are ophthalmia and fevers. That scourge of the human race, small-pox, had not made its appearance among them when I first wrote about them, which may be attributed to their slight intercourse with foreigners; but, since then, the nominal Musalmáns, who now surround them, have introduced that, and even worse diseases.

The roads, or footpaths rather, are narrow and difficult in the extreme, and every here and there are intersected by frightful ravines, yawning chasms, and foaming torrents; winding through deep and narrow gorges, dark almost at mid-day; and travellers incur not a little danger from fragments of rocks and stones, that, loosened either by frost or by the rain or wind, or disturbed by wild animals and the numerous flocks of goats that crop the herbage on the higher hills and beetling crags, at the base of which they wend their way, every now and then come rolling down, sometimes with a fearful crash, reverberated on all sides. The Káfirís cross ravines by means of rope bridges; and, if a road or track is a frequented one, these

primitive bridges are made by connecting together four or five stout and strong ropes made of goat's hair, with slighter ones at about six or eight inches distance from each other, laid transversely, just like the shrouds on a ship's mast with the ratlines across. These are secured to the trunks of trees on either side, and stretched as tight as possible. Should there be no trees sufficiently near the spot, the ropes are either secured to strong stakes driven into the ground, or made fast to rocks. On each side of this suspension bridge, there is another rope by which the person crossing may steady himself. Some people crawl along on their hands and knees; others, less timorous, walk across; still the depth of the yawning abyss beneath, accompanied at times by the deafening sound of a foaming torrent that seems to shake the very rocks, renders this mode of crossing, even to those accustomed to it, fearful in the extreme.

Other bridges, when the narrowness of chasms will permit of it, and trees of sufficient length are available, are formed by placing three, four, or more logs side by side. The Káfirís cross the smaller chasms, and mountain torrents of no great breadth, by means of leaping poles. In the use of these they are exceedingly expert; and, being a particularly active race, they can climb the steepest hills.

Horses, mules, asses, and camels are not used in the Káfirí country; burthens are carried on bullocks or mens' backs, chiefly by the tribe of people designated Bárí, mentioned further on, although the Káfirís themselves do not disdain, upon occasion, to carry a load.

On the melting of the snows in the spring and summer months, the rivers, which flow over rocky beds, increase greatly in volume, rapidity and violence, and become deep and difficult to cross even by means of rafts and inflated skins.

Three considerable rivers rise in the northern part of the Hindú Koh, in the Káfiristán: one at a place called Kandah-níl or Blue Lake, and another near Munján, all three of which run through as many long and narrow valleys, nearly parallel to each other, towards Jirm of Badakhshán, and which, united, form the Kúk-chah river, and being joined by the Wardúj, run nearly due west, and unite with the Panj, or upper branch of the Oxus. These united streams subsequently fall into the Oxus. Wood and others call the first mentioned river the "Kokcha." (*See page 46*).

The tract of country in which these people dwell is known to the Musalmáns as "the Káfiristán," or "Country of the Káfirs, or infidels, or unbelievers," and is neither the proper name of the country, nor of the people, as before stated. They indeed have no general name for themselves, as far

as I can discover. They consist of two great septs, or divisions. Those who dress in white, or light coloured garments, the Tájzíks, or Persian speaking people, style Safed-Posh or Poshán—the plural form of the word—Káfirís, and the Afgháns, Spín Káfirís, signifying White-clad infidels, or unbelievers. These people are very numerous (but mostly became Musalmáns long since), and dwell in the *kohistán*, or mountain tracts, from Little Tibbat, and the hill ranges north of the Darahs of Buner and Suwát, and in the mountains in the Dángrak Darah east of Dír and Lower Káshkár, or Chitrál. These latter, however, were in some way subject to the Káshkár rulers, or at least nominally so. These must not be confounded with the tribe of Shpín, or Ishpín, Káfirís who inhabit the upper part of the Darah of Núr, previously mentioned: the words are differently spelt. The language of the Safed-Posh, or Spín Káfirís, is different from that of the other sept, and is not quickly understood.

The other sept, and the one with which we are most interested at present, the Tájzíks call Síáh Káfirí and Síáh-Posh, or Poshán, and the Afgháns Tor Káfirí, both terms signifying Black-clad unbelievers, because they dress in black garments. This sept is famous throughout all the parts bordering on them for their valour and intrepidity, "who in battle rival the feats of the old Persian heroes, Rustam and Isfandiyár. They consider it eternal disgrace to retire wounded from a conflict with Musalmáns, and that it behoves them to die fighting on the battle field." Such are the words of one who knew them well and their country also, just one hundred years ago. They so much excel the Mahomedans (or did), by whom they are surrounded on all sides, in intrepidity and skill in their mode of warfare, that none of their enemies—save for a very short period and then only in far superior numbers—have been hitherto able to oppose them with success.

The four great *darahs* of which the country of the Síáh-Posh tribes chiefly consists, are 1. Wánat, 2. Luṭ-Dih, 3. Wámán, and 4. Párún.

The first of these four great valleys is that of Wánat, which commences from near Nang-Lám, on the right hand side, that is, in approaching it from the north-west, and runs in about the direction of north-west. Out of it comes a considerable river which unites with that running through the Darah of Pích. Wáe-Gal is its chief village. Nishá'í lies between ten and eleven miles north-west from Nang-Lám, and Wáe-Gal is a little over twelve miles from it, farther north.

The Darah of Wánat is about thirty-five miles in length, and on the east side adjoins Nang-Lám and Pích; on the south is Shí-Gal, and on the north the Darah of Luṭ-Dih. The river

running out of this *darah* from the direction of Nang-Lám, joins the river of the Darah of Pích, and, having passed beyond Shí-Gal, unites with the river of Kúnar below Chaghán-Sará'e. There is no place called "*Chighar*" Sará'e. That name is applied to the *darah* in which, at one time, there stood a white edifice. (See page 44).

There were Sí'áh-Posh in the higher part of the Shí-Gal, or Shí-Gar, Darah in the year 1795; and in the lower parts some ten or twelve villages of the Shinwári branch of the Karlární division of the Afgháns.

In this *darah* likewise, about eleven miles north-west, in the direction of Nang-Lám, there is a village known as *Nishá'í* (*Νύσσον*), and the Káfirís of this place and neighbourhood, also known as Nishá'í, and after whom the village is so called, excel in valour and intrepidity. This place is the most probable site of "Nysa" of Dionysus, or Bacchus; and the ivy and the grape are there to be found in great luxuriance.

The chief of Wáe-Gal, in former times, just one hundred years ago, was Sharaf Gul Khán (they, too, adopted this Turkish title, like the Afgháns and others), famed for his valour and magnanimity. The Musalmáns of Nang Lám, related this anecdote respecting him:—

"An aged Akhúnd (Mahomedan teacher), on one occasion, came into Nang-Lám to get up a *jihád*, or holy war—here more correctly a raid under that deceptive name—against the Káfirís; but, much to his disappointment, he found there was then a truce, or *arogh*, as it is called, between them and the Musalmáns. The Akhúnd continued in Nang-Lám for some days, at which time it so happened, that the son of Sharaf Gul, a famous youth in those parts, chanced to come there on some business. When about to return to Wáe-Gal, the Akhúnd, who was determined by some means or other to have a *Jihád* of his own, managed to join himself to him; and on the way, finding the youth off his guard, treacherously murdered him with a knife, and fled back to Nang-Lám.

The Sáfi Afgháns therein located, afraid what the consequences of such an outrage during a time of truce might be—the Káfirís were much stronger then than now—seized and detained the Akhúnd. They then went out and recovered the body of the murdered youth, conveyed it back to Nang-Lám, and acquainted his father, Sharaf Gul, with what had happened. He came to Nang-Lám, and, seeing the old Akhúnd, and comparing his weakness with the strength his dead son had possessed, took up a handful of earth, and sprinkling it over the corpse, said:—'It is not consistent with manhood, with such strength as thou didst possess, to have been slain by one so old and feeble; neither is one so weak, and who slays one so power-

ful, a worthy object of retaliation.' So saying, he dismissed the old Ákhúnd honourably, to the latter's surprise, and took away his son's corpse to Wáe-Gal.

Nang-Lám is a large and well-known village at the entrance of a gorge, and belonging to the Sáfi Afgháns (but does not appear in any of our maps). It lies about ten miles north-west of Bar-Khandey, and rather less than a mile before you reach it is another village, called Daraey.

The Sáfi Afgháns, who formerly dwelt in the Saur Kamar Darah of Bájawr, which lies north of Dánish Kol and south of Chamr Kandey, had then to pay a tenth of their produce to the Tarkálarní, Chief of Bájawr. A certain Sáfi, however, aggrieved at this and other matters, vowed he would never again dwell under any one's rule, or be subject to any one. So he girded up his loins, and, being joined by others of the Sáfis, went off towards Bádel, ten or eleven miles north-west of Bar Tarhang. Having reached it, they took forcible possession of it and some of the country, which was then held by the Síáh-Posh. Several encounters took place between them, in which the Sáfis were successful; and in time they possessed themselves of the Darah of Pích, which is upwards of forty miles long. Bádel was thus the first place they acquired in that part. Their largest village is Goslak.

The next great *darah*, or valley, is Luṭ-Dih, which is larger than Wánat; and from the river of Káshkár, or Chitrál, to the *Kotal*, or pass, of Apá-luk, it is nearly fifty miles in length. Immediately north of the *darah* is the great mountain range clothed with perpetual snow. Apá-luk is the name of a desolate halting place at the foot of the mighty range, and the pass leading over it is called the Apá-luk *Kotal*, and, by crossing this, Badakhshán is reached.

From the large village of Luṭ-Dih, nine miles and a half north is Padu-mukh; a little over twelve miles more in the same direction, is Shut-Gal, and just sixteen miles further is Apá-luk.

On the east Luṭ-Dih adjoins Lower Káshkár, or Chitrál. Two rivers issue from that *darah*, one of which flows towards the east and unites with the river of Shaghut, while the other, flowing southwards, joins the Palpí-Sang, or river of Chitrál, opposite Harandú. In going to Apá-luk, you follow the course of this river.

There are several important villages in this *darah*, one of which is Munjish, referred to in Amír Yahyá's adventure after flying from Kábul. Another is called Kám-úz, *i. e.*, the village of the Khám-úz, one of their tribes; and a third is Luṭ-Dih, giving name to the *darah*. In going thither from the eastwards, you cross the river at Harandú, and proceeding about

twenty-eight miles north-west, through a *darah*, reach Kám-úz, also giving name to a *darah*. A little under two miles north-west is Kawzálah, called Kashtúr by Afgháns, and a little further north-west is Munjish. There are Káfirí villages all the way. From thence seven miles and a half in the same direction is Mado-Gal, and about the same distance farther is Pur-Sitam, a byname evidently—the Tájzík for 'full of tyranny or violence'—; about five miles and a half farther is Chápú, and fourteen miles farther is Luṭ-Dih, before mentioned. The chief of this *darah* in the last century, named Luṭ-Kar, or Luṭ-Gar, through infirmity and poverty, had to pay obedience to the Sháh of Káshkár. The Káfirís of this *darah*, however, at that time were more powerful and better off than the rest of the race.

The third of the main *darahs* is Wáman, which is also so called after the tribe of that man. It is nearly seventy miles in length, and adjoins Goslak, one of the large villages of the Darah of Pích. On the north, the Darah of Wámáo terminates at the mountain range of perpetual snow which borders on Badakhshán: it bounds it, in fact, in this direction.

From Goslak to Wámán is three stages in the direction of north-west. The Síáh-Posh of this part are on pretty good terms with the Sáfi Afgháns. Goslak belongs to them; and east of it is the confluence of two rivers. The northern one comes from the mountains of the Wámán Darah, and the southern one from the Koh-i-Kund range lying farther west. The two rivers, having united, receive the name of river of Pích; and the southern of the two streams is called the Bustalá river, from the village of that name about five miles and a half south-west from Goslak, at the foot of the Koh-i-Kund, from which direction the river comes. There are wooden bridges over them: over the Bustalá river below Goslak, and over the Pích near by that place on the east.

Contrary to the general usages of this race, they were on good terms with their Sáfi neighbours of Goslak, who are a division of the great tribe of Parní of Southern Afghánistán, who used to be all powerful around Síwí, their chief town. The Sáfis left them, and got at last into this part. The first place taken by them from the Síáh-Posh Káfirís was Bádel, about ten miles north-west from Bar Tarhang. It is on the route from the last named place to the Chaghán-Sará'e Darah.

The fourth *darah* is Párún, which is also very extensive. It is about forty-five miles in length; and the river flowing out of it runs towards Jirm of Badakhshán, and finally unites with the Jíhún, or Oxus.

Besides these large *darahs*, there are numerous others opening into them, which will be found fully described in my "Notes on Afghánistán."

The Si'áh-Posh Káfirí Tribes.—These, by their own account, consist of eighteen tribes:—Páshá-Gar, or Pashá-Gal, Pán-dú, Wámán, Mandúl, Samá-jíl, Tapah-Kál, Chának, Dúh-tak, Sáláo, Askín, or Skín, Ashpín, or Shpín, Wadí-hú, Kátí-hí, Kamphír, or Gambhír, Katar, Wáe-Gal, or Wáe-Kal, Kám-úz, and the Nishá'í, which is considered a sub-tribe rather than a tribe. All the Si'áh-Posh tribes choose their own chiefs.

In my previous account of this latter sub-tribe, a part of its name was left out in some way by my authorities. I there remarked that Si'áh-Posh did not appear correct for the name of this tribe, because that was the designation of the whole race. Since then, the complete and exhaustive survey made of these parts at the close of the last century, a portion of which is embodied in my "Notes on Afghanistan," etc., clears up the point, and gives us the most important information, that this tribe is known as the Nishá'í, a sub-tribe of the Si'áh-Posh. This, too, shows that the name was by some accident left out by my first authorities, and that instead of "Si'áh-Poshán," the words should have been "Nishá'í Si'áh-Posh."

1. The Pashá-Gar, or Pashá-Gal (*l* and *r* being permutable), tribe formerly held the Darah of Sáo-Gal, a part of which *darah* contains several considerable villages, among which are Dúmíah, Kandlah, Paran-dol, and Tárhú. These, at the time of the first occupation of Kábul, in 1839, they still continued to hold, but the people inhabiting them have since become Mahomedans. The remainder of the tribe, who adhere to their ancient customs and faith, dwell in the country of the Nishá'í out-tribe of the Si'áh-Posh just referred to, and some farther north in the Darah of Míl.

2. The Pán-du tribe formerly occupied the Darah of Pohan, one of the smaller *darahs* of the Darah of Múkah, west of Lamghán. Kasí-Gar, or Kasí-Gal, is another. They at present hold the confines, or boundary, of the eastern portion of the Darah of Míl, which is very extensive and lies east of the Shunah, one of the northernmost branches, or feeders, of the Alingár river. To the south-westwards of Míl is the Darah of Najíl. Here they have several villages, *viz.*, Muku-watú, Níw-lí, Tey-lí, Pán-du, and Parmah-wál. In this part might makes right, and he who has the greatest quantity of worldly goods and the most numerous kindred, exercises the chief authority. Only a few had become converts to Islám.

3. The Wámán, or Wámah, as they are also called (but "*Wam*" is a vitiated form of the word, such as one ignorant of their language would use), continue to dwell in the *darah* called after them, in conjunction with the Tapah-Gál tribe in the *darah* adjoining the Alingár Darah on the east, which is connected with six smaller ones, named Báyzid, Bahan,

Shunkar, Makán-jú, Kadol-Khand, Landah-Gán, and the Má'isht Darah. Some few of this tribe have become Mahomedans, but the rest look down upon them with the greatest contempt, and compel them to dwell apart.

4. The Mandúls formerly dwelt in the Shamah-Kat Darah, lying west of the Darah of Lamghán, which valley contains fourteen smaller ones opening into it, or rather within it. The Mandúls were driven out of it at the time that Mahommed Jahán-gir was Bádsháh of the Dehli Empire. These valleys are now held by the Ismá, 'ilzí branch of the Sáfi Afgháns, before noticed, who have become exceedingly numerous, and may now be called a great tribe. They are not "*Nimchas*," I beg leave to say, nor "*converted Káfirs*." The Mandúls, at present, according to the latest information, dwell in part of the *darah* of Kandah-i-Níl (the Kandah of the Uzbek writer, no doubt, as it lay in the tract of the invaders under Amír Yahyá; but, in the course of ages, the names of places change, as well as the face of countries, which facts do not seem to be generally realized); and in it likewise the Kátí-hí tribe dwell, lower down. The Mandúls adhere to their old religion and customs.

5. The Samá-jíl in former days also dwelt in the Shamah-Kat and contiguous *darahs*; but at present they occupy part of the Darah of Kandah-i-Níl, along with the Mandúls and Kátí-hí.

6. The Tapah-Kál tribe dwell in the Darah of Alingár, where they have been located for centuries past, along with those few of the Wámán who have been compelled to live apart because they have embraced Islám. The Tapah-Kál are nearly all Mahomedans by profession, but their neighbours of that faith consider them worse than the unconverted Káfiris generally.

7. The Chánák have all turned Mahomedans, and retain their ancient locality—the Darah of Múkah—, which contains some fourteen villages, but of no great size. The Múkah Darah lies west of Islám-ábád, a town of Lamghán, and south of Dúmíah in the Sáo-Kál Darah, where some of the Pashá-Gals dwell.

8. The Dúh-tak tribe formerly held the small tracts about Koh and Korinj, which form the angle between the river Kow and that of Najíl, or 'Alí-Shang river, just before they unite at Tigharí of Lamghán. A few of the tribe, who have turned Mahomedans, now dwell in the Alingár Darah, along with such of the Wámáns as have done the same, and the generality of the Tapah-Gál who, as above mentioned, have done so. The majority of the Dúh-tak tribe at present dwell in the tracts lying towards the Darah of Chaghán Sará'e, or the White Edifice (*chaghan*, is Turkish, and signifies white. In this part

one of the Mughal *mings*, or *hazdrahs*, was located in former times, and another farther east towards the Khaibar defile, which accounts for the number of Turkish names of places hereabouts), through which *darah* flows the Palpí Sang, or river of Káshkár, on the borders of Lower Káshkár, or Chitrál, known among the people of these countries in by-gone times as the territory of Sháh Kator.

9. The Sá-láo tribes formerly held the Darah of Rának-Kot, also called Sá-láo after it; but, for a great number of years past, the Sá-láo have been dwelling in that part of the centre of the Káfiristán watered by the Shúnah river, towards the highest ranges of the Hindú Koh, also called the Shúnah Darah. It lies west of the tracts held by the Kátí-hí tribe, some distance north from Lamghán, towards the Darah of the Kandah-i-Níl. They follow their ancient faith.

10. The Skín, or Askín, tribe hold the upper part of the Darah of Tag-Áb or Tag-Áo, towards the highest range of the Hindú Koh, and have, for the most part, become converts to the Musalmán faith, and were (in 1840) subject to Tajammul Sháh, son of the Sháh Kator. Those of the tribe who adhered to their ancient faith paid a trifling tribute to that ruler.

11. The Shpín, or Ashpín, tribe dwell in and about the Mír Khandey Darah of the territory of Lower Káshkár, or Chitrál, to the eastward of the great ranges. A river issues from the *darah*, which, flowing eastwards, unites with the river of the Ashrit Darah, which, in the last century, was under the Bádsháh, or Chief, of Drúsh, the intelligent Sháh Rizá, mentioned before at page 5.

The Shpín tribe is mentioned at the close of the last century as follows:—"In the north-west part of the Darah of Núr, which extends from Shewah to Sarúr, is a small tract of country called by the latter name, belonging to the Shpín, or Ashpín, Káfirí tribe, consisting of some 2,000 or 3,000 families, who do not nourish so much hostility towards other Musalmáns as towards the Afgháns (with the exception of the Sáfís to a moderate degree). The villages of Sarúr are also called Khandæy. One of the Sarúr villages, a large one, is called Stan; and from thence, westwards, crossing a great mountain range, you can enter the Alingár Darah, the uppermost part of which is inhabited by the Sí'áh-Poshán, the lower part by Tájziks, and the middle part by the people called Kohistánís."

12. The Wadí-hú tribe, as heretofore, continues to dwell in the Darah of Alingár, and a few of them have become Mahomedans.

13. The people of the Kátí-hí tribe have, to a great extent, become Mahomedans, but in name only; for they are said to be excessively ignorant of the simplest tenets of the faith. This

tribe were formerly settled in the Parchaghán Darah, on the river of Panj-sheer or Panj-her, where a small number of them, about 2,500 in number, still dwell, along with a number of *hazárah* people, the descendants of one of the Mughal *míngs* or *hazárahs*, or military colonies, which was located in that neighbourhood in by-gone times, and also several Tájzík families. In former times, these Kátí-hí Káfírís used to levy black-mail from the people of Panj-sheer, or Panj-her, as they used to do from those of Badakhshán. The main portion of the tribe is now located in the tract of country lying two days' journey (about forty miles) north-east of the *darah* in which is the Kandah-i-Níl, or Táláb-i-Níl, or blue lake. This *darah* is of considerable size, and takes its name from the lake in question, the source of the river in the northern part of the Káfiristán, which the people of these parts, in the neighbourhood of Jirm of Badakhshán, confound with the source of the Jíhún or Oxus. They call it the "Ummán," but that is an Arabic word signifying 'a sea.' This conjecture, of course, is entirely wrong: the river which issues from the Kandah-i-Níl is a branch of the Oxus, certainly, but its source is much farther north-east.

The *darah* of the Kandah-i-Níl lies to the north-north-east of the Parchaghán Darah, east of the Shúnah river, where the great range rises to a height of close upon 15,000 feet, and near which the Mandúl tribe of the Síáh-Posh dwell. The Shúnah river rises near the Koh-i-Káhún, some distance to the westwards of the Do-Káhah Pass, or the Pass of the Two Roads, but not "*Dora*," as in our maps and Survey reports.

14. The Gambír, or Kampír, or more correctly Gambhír or Kamphír, tribe (people of Persian and Túránian descent invariably leave out the *n* in foreign words) dwell on the west side of the great *darah*, or valley, of the Palpí Sang, or river of Káshkár, or Chitrál, and north of the district of Núr-Gal, in the northern part of which the Katar tribe dwelt a few years ago, before being reduced to slavery and partial extinction by the Afghans. The Gambírs, or Gambhírs, had not abandoned their ancient faith when I first wrote about them.

From Pashat to Útá-púr, or Astá-púr, where the Chághán Saráe Darah ends, in that direction, it is about nine miles north-west to the Bar-Kandaey, the name of two villages of the Sáfi Afgháns, and fourteen miles farther upwards north-east, over a very difficult mountain range where, on a plateau or tableland, are four villages belonging to the Síáh-Posh. The first is called Gambír, or Gambhír, after the tribe; the second Sál-gár, or Sáe-gar, north of Gambhír; the third is Katar, which is south of Gambhír; and the fourth is Dey-uz, or Dí-úz, which lies east of Gambhír.

15. The Kaṭar tribe used to dwell north of the Darah of Núr-Gal, and north-west of the Chaghán Sará'e Darah, in a lofty mountain range, in the upper part of which, near the river of Púh, are two S'áh-Posh villages, one Kaṭar, and the other Gambhír, and here and around the Kaṭar tribe dwelt. In the time of Bábar Bádsháh, this tract was considered to be in "the midst of the Kafiristán." He thus notices it :—"In the Hill country to the north-east [from Kábul] lies the Kafiristán, such as Kaṭar and Gibarak ;" and again, in another place—"Núr-Gal lies to the west and Kunaṭ to the east of the river [the Kúnaṭ river], and the lower part of this *toman*, or district, is called Lamtah Kandey, and lower down the country is connected with Núr and Atar [Útá-púr?]

Seven and a half miles to the north-north-west of Shanbey-Gám, in Bar or Upper Chaghán Sará'e Darah, there is, or was, a stone-built fort called Kaṭar Kala', which the Sáfí Afgháns had taken from that tribe. The Kaṭars came more into contact with the Afgháns probably than the rest of the Káfirí tribes of this part ; and the Afgháns accounted them as the most bigoted of the whole of the S'áh-Posh. 'Abd-ul-Hamíd, the Mahmand Afghán Poet, in one of his Súfí Odes, thus refers to them nearly two hundred years ago :—

*"Káfirán bah da Kaṭar Musalmán shí,
Kah rakib mí pah jzará wa-tarsedah."*

Which may be rendered :—

*"The Katar (Káfirís) will as soon become converts to Islám,
As the guardian (of the beloved) be softened by my tears."*

The greater number of the tribe, however, if not the whole of them, have of late years, since 1840, been compelled to succumb to the Afgháns, who could not let them rest, and were always encroaching upon them and harrying them, and now they have been almost exterminated, or carried away into slavery to Kábul and other parts, and compelled to turn Mahomedans.

16. The country of the Wáe-Gal tribe lies to the west of Chitrál, or Lower Káshkár, along the south-western bank of the Palpí Sang, or Chitrál river, and bounds the Gambhír, or Kamphír, country on the north-west. This is the tribe of which Sharaf Gul, mentioned at page 36, was the chief. They latterly paid a small tribute to the Chitrál ruler, Tajammul Sháh in acknowledgement of his supremacy (or to keep him quiet). They have not changed their ancient faith.

Seeing that we have seized on Chitrál, we could have put forward a claim to the Káfirís also, and it would have been much more correct than the statement that Chitrál had been subject to Kashmír. The payment of tribute is a token of subjection.

17. The Kám-úz tribe—who are not called "*Kam*"—inhabits the *darahs* lying north of the Kamphír, or Gambhír, district above Núr-Gal, and between the river of Chitrál and the highest range towards Badakhshán, bounding the territory of lower Káshkár, or Chitrál, on the north. They adhere to their ancient faith, but paid a nominal tribute to the Chitrál ruler to be left unmolested.

18. The Nishá'í tribe (*Нисаи*), or rather sub-tribe, originally dwelt in the *darah* of Kasí-Gar, or Kasí-Gal, east of the Shúnah river, as well as in the tract now occupied by them, along with a small number of the Pashá-Gar, or Pashá-Gal, tribe, which lies to the west of the *darah*, or valley, in which the Kátí-hí dwell. The large village noticed at page 36 is called Nishá'í after this sub-tribe, who, among their own people, are so famed for their valour and intrepidity as to have become proverbial, and are looked upon as being of higher descent than others.

It will be seen, therefore, that, out of the eighteen original divisions, or tribes, into which the Si'áh Posh Káfiris are divided, only nine, *viz.*, the Pashá-Gar, or Pashá-Gal, Mandúl, Samá-jíl, Sál-áo, Kaṭar [within the last forty years or so], Gambhír, or Kamphír, Kám-úz, Wáe-Gal, and Nishá'í, retain their ancient faith, and observe their former customs. They may be considered along with the tribes of Pán-dú, Wámán, Dúh-tak, and Wadí-hú—a few only of whom have adopted the Mahomedan faith, which has by no means tended to their improvement, but quite the contrary—as now constituting the whole of the real Káfirí race; for the Tapah-kál, Kátí-hí, Askín, or Skín, and Ashpín, or Shpín, have, for the most part, gone over to Islám, while the whole of the Chánaks have done so.

Those who have thus abandoned the religious observances of their forefathers, and who dwell in the *darahs* and hills bordering on the Afghán territories to the south and west, are called by the latter *Ním-chahs*; but they are by no means a separate race of people, but those supposed converted portions of the Si'áh-Posh Káfiris whom I have mentioned above and the offspring of Afghán and Tájzik females whom they captured in their forays from time to time. The very name, *Ním-chah*, a Persian, or Tájzik, derivative from '*nim*,' half, and '*chah*,' a particle added to nouns to form diminutives, and to express contempt—'half and half,' 'neither one thing nor the other,' 'neither Musalmáns nor Káfirí in their religion'—should have suggested the solution of the question, even if the *darahs* which these *Ním-chahs*, whose origin has puzzled some recent writers so much, inhabited, did not exactly agree with the districts and tribes of the Káfiris mentioned in this account as

dwelling in the neighbourhood of the Afgháns and Tájzís. The two tribes of Askíns, or Skíns, and Ashpíns, or Shpíns and the Chánaks, are not termed Ním-chahs by the Afgháns, who know little about them or their antecedents, as they were nominally subject to the rulers of Chitrál.

Kanbar 'Alí Beg, an intelligent merchant who was a native of the parts lying near the Káfirís on the north, and well acquainted with these matters, told the author of the Survey I have referred to, when in that part, that the term *Ním-chah* is applied to the various tribes of people who have embraced Mahomedanism, outwardly at least, but who are in reality *Káfirs*, or infidels, and follow their old ways all the same. He said they were to be found in numbers in the different mountain tracts of Badakhshán, and in Chitrál, or Lower, and Mastúck, or Upper, Káshkár, that they are grossly ignorant in all things; and that, before they turned to Islám, they were styled *Ghalchah*, another Tájzík word signifying 'a vagabond,' 'reprobate,' and the like.

These Ním-chahs have intermarried with the Káfirís and Mahomedans—Afgháns and Tájzís—indiscriminately. They have also acted as guides and go-betweens on either side, when the Káfirís attacked the Mahomedans, or when the latter made forays into the country of the former, and sometimes have even joined in these expeditions. "They are excessively ignorant of the Mahomedan creed, and most of them appear ignorant of the necessary form of prayer." Such also was the opinion expressed of them, a few years since, by a well educated Mahomedan—a Turk not an Afghán—who knew them. They all drink a strong unfermented wine, which they keep a long time before broaching, another proof of their affinity to the other Sí'áh-Posh tribes.

There is a tribe dwelling among the Sí'áh-Posh Káfirís, but not of them, just like the Helots among the Greeks. These people are known as Bárís, and are probably the remnant of some of the aboriginals of the country or neighbouring parts. These people carry on all mechanical trades, such as those of blacksmith, carpenter, weaver, cutler, and the like, and all manner of occupations. The Káfirís themselves look upon such avocations as mean and disreputable, and consider the profession of arms and agriculture alone to be creditable. On journeys these Bárís are employed to carry baggage.

It is, or has been, a mistaken idea to imagine that the Káfirís sell their children. It was the Chitrál rulers who used to sell their own people; and when the people of Chitrál and Samghán, who are generally at peace with them, came into their borders for barter and for purchasing slaves, they used to sell them children of the Bárí tribe above alluded to,

especially the children of such among the Bárís as had misbehaved themselves. Yet, uncivilized as they are, it is possible they might, for a good reward, especially those adjoining Chitrál, who have become Musalmán in name, and whose cupidity has lately become great through the pernicious system of "subsidising," show little compunction in kidnapping their neighbours' children if a good opportunity offered, and with the chance of its not being found out; but it is the Mahomedan people of the Panjher, or Panj-sheer, Darah, who are chiefly guilty in this respect, and who surprise Káfirí boys whilst they are tending their flocks, and carry them off and sell them into slavery.

In this way, children of the Spín, or White-clad Káfirís, as well as others, have been brought into the Pesháwar district by the Káká-Khel Afgháns, who are great traders, and slave dealers, too, or used to be.

All broken victuals are kept for these Bárís, who sometimes come and stand behind a person whilst eating, to receive what is left of the meat. But if a Bárí should chance to come in front of a Káfirí while eating, it is considered defilement, and the aggressor is well abused and soundly beaten for so doing. Cases have been known wherein Bárís have been killed by enraged Káfirís, although killing them is also considered to be defilement; and in such instances a man's wife has been known to refuse to live in the same house with her husband, or to eat in his company, for having done so.

The original weapons of offence used by the Káfirís are bows and arrows, the former about four feet in length, which they call *shamat*, heavy, heart-piercing arrows, about two feet in length, and a long and broad curved knife, or dagger, very keen, and of a peculiar shape. They also use a smaller knife, about a foot in length, chiefly for cutting up their food with, and some among them possess swords, chiefly the spoils of their enemies. In the last century few among them possessed fire-arms: latterly, they have been better provided with flint-lock pieces, but to no great extent, unless they have since taken care to be so, which it is to be hoped they have. They consider their chief occupation to be that of carrying on war with races other than their own, Mahomedans, but Afgháns chiefly, who, in their lust after Káfirí boys and girls, will not let them rest. A man who does not show intrepidity in battle, and does not slay an antagonist, they style *diwsá*, and look upon as despicable and base. They will not permit them to eat with them or sit down in their company, and food is handed to them over the giver's left shoulder; for they are not permitted to cook provisions for themselves, but must subsist on alms. Neither will they give them daughters or sisters

in marriage, nor would a maiden accept a *díwsá* for a husband. In case of married men, even their own wives and children look upon them with contempt.

Their mode of fighting is to lie in ambush near the villages and grazing grounds of their enemies; for they very rarely attack them openly or in large numbers. Being very strong and active, they seem particularly fitted for stratagem, in which they are infinitely superior to their neighbours. If a Mahomedan enemy falls into the hands of a party of Káfirís, and he is killed, they gain no honour thereby collectively: the credit attaches to him alone who has first laid hands on the victim. When one among them slays his first man, they insert a gold ring in his ear, and, after the same fashion, a ring for every enemy (that is, an Afghán generally) he may subsequently kill.

Notwithstanding the natural animosity of the S'áh-Posh Káfirís towards their Musalmán neighbours, who have constantly made inroads into their country for the purpose of capturing and carrying off their people as slaves, and their cattle, and that the Káfirís lose no opportunity of making reprisals, and are constant in their endeavours to destroy them, as will have been seen by the preceding remarks, yet, when a Musalmán throws himself on the generosity, and places faith on the word, of a Káfirí—I do not refer to those near the Chitrál border, who have become demoralized by contact with Mahomedans, and those who have outwardly embraced their religion—he treats him in a most hospitable and generous manner. If a Mahomedan by chance falls into the hands of the Káfirís when out on one of their yearly incursions, and can say that he is the friend or acquaintance of a certain Káfirí of a certain tribe, if it is true, or supposed to be so, they release him; and if he happens to be accompanied by another man, he has merely to say: "This man is my friend, and I am the friend of such and such a Káfirí of a certain village," mentioning his name, to obtain his companion's release also.

If, during a fight, a man can succeed in placing his hand on the breast of his Káfirí opponent, he will not slay him. Burning the dwellings of their enemies they hold to be improper.

Those who have killed a Mahomedan in a foray, on their return home, are raised on the shoulders of the crowd of villagers, who come out to meet them—young and old; male and female—and conduct them in triumph home; the young maidens dance, sing, and clap their hands until they reach the hamlet. Those of their comrades who have not been so fortunate have to follow behind on foot; and, until they succeed, on some future occasion, in killing a follower of Islám

they are not allowed to sit in the assembly of the tribe, and are excluded from participation in all public diversions. They become, in fact, outcasts of society. When they have succeeded, however, in killing a Mahomedan, they are re-admitted to their rights as freemen, and become honourable members of Káfirí society once more.

These stringent and severe customs bear a striking resemblance to the warlike system of the Spartans towards those who fled from a stricken field, who were thereby deprived of their rights as freemen, and were subject to all sorts of indignity and contumely. They were not only excluded from all posts and employments in the State, from all assemblies and public diversions, but it was reckoned scandalous to make any alliance with them by marriage; and a thousand affronts and insults were publicly offered them with impunity.

To escape from this disgrace as soon as possible, it may naturally be imagined, these unsuccessful forayers lose no opportunity in going again to seek their enemies, and the young men require no stronger stimulant to urge them to the destruction of their natural foes. Those who, in the course of their lives, have never volunteered to set out on one of these expeditions, or may never have had the opportunity of doing so, are not subject to these rigorous rules, which only refer to those who, of their own free will, have set out for the express purpose of making an inroad into the territories of their enemies, after the termination of the annual festival now to be described; still those who have not killed at least one Mahomedan during their lives, are not held in much esteem.

The Káfirís once a year hold a great feast, or used to do so. Whether in the case of recent political events they have changed this custom in any way, to prevent hostilities, and avoid giving cause for such, I have not discovered. This was an ancient festival with them "from time immemorial," and continued for from twenty to forty days, and great preparations were made for it before hand by collecting quantities of wine and provisions; for open house is kept during its continuance, and people visit their acquaintances in rotation. During the festival, the villagers assemble together in the open air and make merry. The men perform a sort of war dance; and the women and girls fasten little bells round their waists and dance together. Their only musical instruments are a sort of tambourine, a pipe or fife, and a description of bagpipes.

On the day preceding the termination of this festival, the whole of the people, male and female, young and old, congregate on the green in the centre of the village, where all public assemblies take place, the males on one side, and the females on the other; and feasting and carousal, singing and

dancing, are kept up with great spirit until about midnight, when, on a given signal, the lights are suddenly extinguished the men rush on the women, and each man seizes the hand of the nearest female, or one whom he may have selected beforehand, if he can succeed in approaching her in the scuffle and uproar which now ensues. On these occasions, as might be supposed, very ludicrous, as well as awkward, mistakes are apt to occur. . . . The lights being extinguished, nothing more is said until morning. This particular day and night is called *Chilam Chuti*, and takes place about the month of June.

The day succeeding this, and the last of the festival, so called, all the people assemble together, and those who are desirous of making an inroad into the territories of their Musalmán neighbours get up, and stand on one side. On this one of the elders, or chief men of the tribe, gets up, and, after the manner of a Bard, or Scald, proceeds to harangue the audience on the deeds and prowess of their ancestors—how many Mahomedans they had killed in their life-time, how many of their villages they had plundered and destroyed—and enjoins them to take example therefrom. If there should be any one present distinguished for his actions against the enemies of their faith and people, his deeds are recounted and enlarged upon, as likewise the deeds of any other individuals the orator may recollect.

The Bard, or Scald, having finished his address, those present, with the exception of those who have volunteered to invade the country of their enemies, disperse to their several homes; and the latter proceed to make their arrangements for the expedition. Until they have matured their plans, and the party is ready to depart, no one in it either eats or sleeps in his own abode: but, wherever he may happen to be in the evening, there he sleeps for the night.

When the morning for the departure of the warriors arrives, the people of the village, or villages, as the case may be, supply them with provisions and wine for their expedition; and any requiring arms are supplied with them. Some conspicuous hill, or other place, is then determined on, on which a beacon fire is to be lighted on their return, in order that the villagers may come out to meet them. The necessary fuel for this beacon is then got ready, and piled up at the place indicated, in readiness; and, in case it might accidentally take fire, or some one might be so malicious as to set fire to the pile, all other persons are strictly forbidden to approach the spot, under pain of severe punishment.

Having shared the food and wine supplied to them by the villagers, each man places his portion in a small goat-skin bag kept for the purpose. Before leaving a halting-place, each one

conceals under a stone, or in some other place, a day's provisions to serve him on his return ; and this is done each morning before setting out for the next stage or halting-place.

The war party, having reached the borders of their enemy's territory, determine on some spot as the base of their operations, at which place also they agree to meet, if possible, every night. This arrangement completed, they roam throughout the hills, forests, and valleys in search of enemies, sometimes alone, sometimes in parties of two or four, and, at times, in larger bodies, according to circumstances. In the evening they meet at the appointed place, and relate to each other the adventures of the day, and the number of Mahomedans they may have killed.

In the cold season, the S'áh-Posh Káfirís used, in former times, to enter into a truce with the Tájzíks, as before stated, but rarely with the more cruel and bigoted Afgháns, with the exception of the Sáfís, and come down into the *darahs* dependent on the Kúnar district ; and it was on an occasion of this kind that the deputation from them waited on Sir W. H. Macnaghten at Jalál-ábád. A truce or agreement of this kind they call *arogh* ; and they never act falsely.

They are, or rather were, although very poorly armed in comparison, allowed by their Mahomedan neighbours to be superior to the Afgháns in battle ; but some of those dwelling nearest to Chitrál have been made tributary by the Dihgháns, or Dihkáns, or Tájzíks of that territory, but they merely paid a nominal tribute.

When the S'áh-Posh and Mahomedans wish to enter into a truce of friendship, as they sometimes do with the people of Badakhshán and Chitrál—the Dihkáns or the Tájzíks—they exchange weapons, and, until these are again returned, they remain in peace ; but, after they have been given up, the friendly intercourse ceases, and hostility remains in force as before.

Another custom is to kill a goat and dress the heart, of which the contracting parties each take a portion, and after that salute each other ; but this mode of agreement is not so binding as the former, which is considered sacred. Another mode is to light a great fire and throw the head of a goat into it, which is immediately withdrawn ; and they will not act contrary to such a compact or break their oath.

The Káfirís follow a different practice in entering into agreements among themselves. They take a piece of gold, or a golden ornament, and place it in a cup filled with water, and the terms of the compact, or promise, having been stated, each of the contracting parties drinks off a small quantity of the liquid, after which the agreement is binding. This form of compact they designate *sún-wuruk* or *sun-as-wí*, *sún* being the name for gold, and *as-wí*, water.

Another method is to take a piece of salt, which each party tastes, and the compact is complete. This, however, is a custom usual with most eastern people.

They used formerly to make incursions into the territories of Bájawr, Dír, and Pashat, and lie in ambush in the passes and routes among the mountains, and slay travellers without any sordid desire of merely obtaining their property. Their inveterate hostility towards Musalmáns, and Afgháns in particular, is not to be wondered at, considering the way they have been treated by them for a long time past. Lately, however, being enclosed on all sides by enemies, they have not been able to do much against them in restraining their encroachments and the seizure of their people for slaves.

In mode of dress the S'áh-Posh Káfirís somewhat differ from each other ; but all wear the black goat-skin garments from which they have derived the name of "*S'áh-Poshán*," or black-clad.

Thus the Nishá'-í sub-tribe of the S'áh-Posh, and the Kám-úz, Gambhír, Kaṭor, and Wáe-Gal tribes, dress precisely alike, namely, in a shirt, trousers or drawers, neither very light nor very loose, and a sort of a scarf, all of *karbás*, or coarse cotton cloth, besides a black garment similar to that worn by the *fakirs*, or devotees, of Kábul, consisting of a wide *chokah*, or *choghah* (a Turkish word), with short, wide sleeves, made of a peculiar kind of wool. This they put on over the under-dress, and over all are worn the black goat-skin garments.

The other tribes, the Káti-ní, Pashá-Gar, or Pashá-Gal, Pándú, Wámán, Mandúl, Samájíl, Tapah-Gál, Chának, Dúh-tak, Sál-áo, Askín, or Skín, Ashpín, or Shpín, and Wadí-nú, wear a dress called a *chakman* [in Turkish—from the Mughals and other Turkish races formerly, and still in possession of the neighbouring parts], which is sometimes brought to Kábul for sale, and is made from wool of various colours ; drawers or trousers called *buzo*, also made from wool, and a coarse cotton shirt, as worn by the other tribes.

In the winter season, in the more elevated parts, on account of the snow, which lies on the ground for several months together, they are in the habit of wearing shoes made from black goats-hair woven strongly together. In summer they substitute the *chárúk*, a sort of half-boot made of goat-skin with the hair outwards, to lace up in front. These are similar to the boots worn by the mountaineers of Panj-sheer, or Panj-her, who are, by all accounts, converted Káfirís originally, and somewhat like the shoes of skin, with the hair outwards, worn by the Scottish Highlanders.

They wear a strap, or belt, of cow-hide round their waists, and most of them on their heads—which few of them cover completely—a particularly small skull-cap, which

does not cover more than a quarter of the head, and which is fastened by a leather strap, or cord. These are the Káfirís best known to the Afgháns of Kábul and Jalál-ábád and vicinity—the southernmost tribes—; but others, again, wear a narrow band, or fillet, made of goat's hair of three different colours—red, black and white—; about a yard or a yard and a half in length, wound round the head.

The men wear a small tuft of hair on the crown of the head, which they call *tsara'í* and *tsarna'í*. They wear beards generally, and keep their moustaches and whiskers well trimmed. Some only shave round the mouth, and others again cut off the beard entirely.

The females dress in a style similar to the women of the Kohistán, or high lands of Kábul, *viz.*, loose drawers, tight at the ankles; a long shirt, or chemise, a *chadar*, or veil, and a small skull-cap, under which the hair is braided, which is very long and sometimes in such profusion that, when let down, it covers the whole person. Their ornaments or trinkets consist of flat bracelets on the wrists, necklaces, ear-rings and rings on the fingers. Those of the rich are mostly of silver, and rarely of gold; while the ornaments of the poorer classes are generally of brass or copper. The men wear rings in the ears, as before noticed, and on the fingers.

Those females whose fathers or husbands may have slain one or more Musalmáns, have the privilege of ornamenting their caps and locks with *kaurí* shells. Young virgins, instead of the skull-cap, fasten a fillet of red cloth round their heads, which they adorn with shells, if entitled to the privilege.

The manners and customs of the different tribes are alike: they celebrate their joys and their griefs, their marriages and their funerals, after one and the same fashion. Some other of their usages have been already related at pages 19 and 26.

They eat anything in the way of flesh, including beef, with little exception, but the flesh of sheep and goats chiefly, and also the game they capture in the chase, such as deer, antelope ibex, the *kúchár*, or mountain sheep—the antlers of which they set up in their places of worship—and other smaller animals; but, although they are said to breed a great number of fowls, they will not touch them for food. They are rich in herds of oxen and cows, and flocks of sheep and goats, the latter of a very superior kind; but sheep are not so numerous; dogs and cats are common.

The other articles of food consist of bread, unleavened, but in comparatively small quantity, made from three different kinds of grain, wheat, barley and *arzun*, or millet, mixed together and ground to flour in a handmill. The dough is made into thick cakes, and is baked in an oven, or on an iron

dish, or "girdle," suspended over the fire. Milk, curds, cheese, butter, honey, a few herbs and vegetables, and fruit, which latter the country produces in great quantities and of excellent flavour, among which are grapes in abundance. All classes of people drink a great deal of wine of their own making, which is kept in skins, as do most of the inhabitants of the adjoining countries professing the Mahomedan faith, such as the Chitráls, the people of Gilgit and Gunjut, belonging to Yasin, the Badakhshís, and the Ním-chahs. On public occasions the Káfirís are very liberal with it; and it is put into vessels and placed in convenient places, where all may come and help themselves. There are stringent regulations regarding picking the grapes before a certain day, and great care is taken in their cultivation.

The best wine is much better in flavour than in appearance, and would be better for fining. It does not seem to be of a very intoxicating nature, judging from the deep potations in which they indulge, without becoming over-excited or quarrelsome. Bábar Bádsháh says: "The people are wine-bibbers, and so prevalent is the use of wine among these people, that every Káfirí has a *khig*, or leathern bottle, full of wine hung round his neck; for they drink wine instead of water." The Bádsháh himself was not behind in such matters, and often tasted the wine of the Káfirís. During one of his excursions on a raft on the river of Kábul, in January, 1520 A. D., he sent Haidar, the standard-bearer, to the Káfirís; and, at the bottom of the *Kotal* of Bád-pach, the headmen of the Káfirís of that part presented themselves, bringing with them several skins of wine.

When a guest enters a dwelling, whatever eatables and wine are at hand are immediately set before him. When he has finished his repast, the people of the house eat, but not before. If the guest should be a Mahomedan, or of any other religion than their own, they bring him a sheep, or goat, that he may slaughter it according to his own usages. After he has selected a portion for himself, which he is also permitted to cook if he wishes it, the family take the remainder of the flesh for their own consumption. They do not object to eat food that has been left by persons of a different race or religion.

After a guest has once crossed the threshold, the master of the house alone waits upon him. The brother of the host, or the other members of the family, being prohibited from supplying the stranger with any thing, even water to drink, without the master's sanction; so much do they respect the rights of hospitality. In the same manner, no person of a village in which a guest may be staying can venture to entertain him without the consent of the host; but, with the latter's consent,

the guest is permitted to visit the other people of the village, the headman in particular. On entering any house, at whatever time of the day it may happen to be, wine and victuals are immediately placed before him, and of these he is pressed and expected to partake.

Their method of slaughtering cattle is strange and superstitious. The animal, having been brought out, is seized by the head by one man, whilst a second strikes it a blow on the neck with a sword, or long and sharp knife. If the head is severed from the body with one stroke, which is generally the case, the flesh is considered pure and lawful and fit for food, but if not, they give the carcase to the Bárís, already noticed.

The guest, whether male or female, sleeps in the same apartment as the family, a custom prevalent, I believe, in many very cold countries, for the sake of warmth; and the Káfirís themselves, when guests of others than their own people, would be much annoyed to be put into a separate room. A Káfirí of the Kátí-hí tribe, I was told by a Mahomedan of the village of Moyah, came there during a time of *arogh*, or truce, between them, and was entertained in the house of a Musalmán acquaintance. When bed-time arrived, the host pointed out a convenient place for him to sleep in. He was very much put out, and exclaimed: "You came to my dwelling and slept in the same place my family and self occupied, whilst I, being your guest, am to be put into a separate sleeping place; what sort of hospitality is this?" After much trouble and entreaty the host succeeded in making room for him in the same sleeping apartment with his family, and his Káfirí guest became pacified.

The towns and villages, some of which contain three and four hundred houses, are almost invariably built on the steep acclivities of the mountains, on account, partly, of the generally irregular nature of the country they inhabit, and also as being better from a defensive point of view, in case of invasion. Some few villages are situated in the valleys, and on the table lands, towards the northern parts of the country. They never dwell in tents; but some are said to dwell in caves, as many people of the surrounding parts have done and do, and have very commodious ones, which have been inhabited for ages past.

Their houses are generally built of stone in frames of wood, with flat roofs, and are of one storey in height, sometimes with wooden balconies and a room above. Some dwellings, according to the means of the owner, contain several rooms, furnished with wooden benches, or tables, stools made of wood, and sometimes of wicker-work, covered with great skins; for the Káfirís cannot sit cross-legged with any comfort, in oriental fashion, and in this point particularly are quite like Europeans. Their

beds are made of wood, and similar in form to the Indian *chhá páe*—a simple frame with short legs, and over the frame they lace bands of leather.

In matters of religion the Sí'áh-Posh tribes are said by the Mahomedans to be "exceedingly ignorant;" but this remains to be proved. Their forms and ceremonies, such as are known, are idolatrous, but little is known for certain respecting their belief, and the present invading Afgháns are destroying every thing in their way that would throw light on the matter. Some say their religion is that of Zardusht (*vul.* "Zoroaster"), and certainly some of their customs are similar to those of people of that creed. Others, again, have said that "they are of the Yahúdí (Jewish) faith, and some native authors have even gone so far as to assert that they are Nasáris (Christians)."

Their ceremonies consist chiefly in sacrifices of cows and goats to their deities, whom they call Shúrúyah, Lámáni and Pándú, which latter would, if it is correctly spelt, lead us to imagine that it referred to the Hindú deity, Yudhishtira. Each village contains a temple, or place of worship, differing but little from the ordinary dwellings of the people, in which the wooden representations of the three deities mentioned are placed. Their idol temples are kept well ornamented, and the walls adorned with antlers of the deer and such like animals taken in the chase. The faces of their idols are said by Mahomedans to be washed with the urine of cows and goats, when they seek to propitiate them and ask a blessing.

Fire appears to be necessary in most of their religious ceremonies, and a Káfirí has great antipathy to extinguishing it with water, or even to blowing out a flame with the breath; yet they do not keep up the sacred fire like the followers of Zardusht, and do not seem to know anything concerning it. At the same time, a number of their usages bear a great resemblance to those of the Gabrs. An intelligent traveller (Wood) also notices the repugnance with which an inhabitant of Badakshán blows out a light, and says that People of Wákhán consider it bad luck to blow out a light with the breath, and one of them will rather wave his hand for several minutes under the flame of his pine slip, than resort to the sure, but to him, disagreeable alternative.

Within a short distance of every village, there is a building set apart for the reception of females during certain periods, and in cases of child-birth. While they are there, food and clothing and all else they may require are supplied to them; and in the latter case, the mother and her offspring must remain there for a period of forty days, after which she returns home with it. During these periods, they must on no account put their hands to any vessel used for food, or for drinking pur

poses. If they should do so, it must be destroyed; for their touch is considered impure.

These "lingering remnants of Zardusht's creed," however, are not astonishing when we know that the parts in which they dwell formed a portion of the great Persian empire, which was only finally extinguished in the year 642 A. D., and that the adjoining city of Balkh was the '*Ka'bah*', so to say, of the Fire-worshippers, and that the Mágíán religion extended over Bakhtra, as far as the mountains of the Indian Caucasus and the valley of the Jíhún, or Oxus. It was not, therefore, so very extraordinary a thing that a Babylonian seal should have been found near Dír in the Panj-Korah river, as was thought some years ago. (*Ro. Geog. Soc. Proceedings*, January, 1884).

The Káfirís have hereditary priests, who assist at the different feasts and ceremonies, and who are supported by voluntary contributions, and a double share of victuals and wine at festivals. Their influence, however, is very slight, and the elders and chief men of tribes appear to hold all authority.

When a death occurs among the Káfirís, the females wail and beat their breasts, as in most eastern countries. A likeness of the defunct, whether male or female, is then made, and as like the deceased as possible. Should the person have been blind, or have lost an eye, it is represented in the image, and even scars on the face or body are depicted. This done, the corpse is arrayed in its best apparel, and placed in a wooden coffin, the lid fastened down, and borne to the place of cemetery, generally in the front of each village, and at about a quarter of a mile distant. The women, weeping and wailing, precede the corpse, which is placed on a cot, or sort of bier, and borne by four or six persons, the men following, chaunting the praises of the deceased. When the corpse is set down to relieve the bearers, the men dance round it, at the same time continuing to chaunt in a low voice, with drums beating. There is no mourning: no lamentation. On reaching the place of sepulture, the coffin is set down in a cave, or cavity of the mountains, in the open air (*i.e.*, it is not covered), and the procession returns. After this it is necessary that the relations of the deceased should kill an ox, or a cow, according to the number of persons to be entertained, besides sheep and goats, and give feast, at which wine is not spared.

Muhammad Humáyún Bádsháh, when setting out from Kábul to recover Hindústán, and proceeding into Nangrahár, left Mun'ím Khán in charge of the Kábul province, and despatched Báyzíd, the Byát, to collect the revenue or tribute from the Alingár people. Remarking on the customs of the Musalmáns of this part, he says:—"The next day the Kázís of Alingár presented themselves. It is customary with these Kázís, when

they appear before the authorities, or visit the ruler of the district, to take wine and sweetmeats as a present, and, if the people have any disputes to settle, they send for the Kázís to come to them, instead of the disputants going to the Kázís. If any among the people of this part die, the corpse is washed and placed in a coffin, and, when taking it to the burying place, they set it on the ground in order to change the bearers, *which is directly contrary to the custom of the Mahomedans*, who relieve each other as bearers without setting down the coffin. The funeral party, having set it down, drink wine, or some other liquor (búzah), and dance round it, after which they take it up again, and the corpse is committed to the earth."

The Dúh-tak tribe of Sí'áh-Posh dwell in the upper part of the Alingár valley; and these remaining traces of former customs much lower down show that they, or some other Káfirí tribe, dwelt still lower down the Valley, as the Káfirís themselves affirm.

If a young man falls in love with the daughter of any one, and desires to marry her, he takes an arrow, which he has previously smeared with blood, and discharges it into the dwelling of her parents or guardians, but in such wise that it shall not injure any one. He then goes away to the chief man of the village and acquaints him with the same. The girl's father, or relations, or master, if she is a slave-girl, having discovered the arrow, make inquiry among the neighbours whether they know who discharged it. Then a confidant of the lover comes forward and makes known the young man's name, and proposes to the tribe, or community, that the girl be given to him to wife. If they agree, which is generally the case, they fix the amount of dowry, consisting of cows, goats, sheep, land, ornaments, etc., which must be made over to the damsel's parents, guardians, or master, by the intended bridegroom before a certain day. If he has sufficient property of his own for his marriage expenses, it is well; otherwise the tribe raise a subscription among themselves and set him up in the world.

The day for the celebration of the marriage being fixed, the people of the village and neighbouring places are informed, and invited to attend. The father of the bride feasts the guests sumptuously for a period of from five to ten days, according to his means, during which time dancing and singing are kept up with great spirit, accompanied by the music of a sort of tambourine and a pipe or fife. On these occasions the wine flows freely.

On the last day but one, the father gives his daughter such dowry as his means will afford, which generally consists of a suit or two of clothes, a few brass or silver ornaments, a few goats, some household utensils, and, if his circumstances will permit, a cow or two. Rich fathers add one or more slaves.

On the last day of the bridal, the bride and bridegroom are decked out in their best apparel, the bride's consisting of capacious flowing garments. They are conducted into the centre of the place, where the guests are assembled. A goat is then brought in, and the bride is placed at its head and the bridegroom at the tail. One of the elders present then stands at the side of the goat, between the couples, and commences to relate the warlike and virtuous actions of their respective ancestors, and exhorts them to follow their example and live happily together. After this he slaughters the goat, which he gives to a priest as his fee : the bosom of the bride's dress is filled with sweet fruits, which it is considered a good omen for the relations to take a handful of ; and she is then made over to the bridegroom, who takes her to his home : and thus ends the marriage ceremony.

The age for marriage is from twenty to twenty-five for males ; but it mainly depends upon whether a person can afford to support a wife. For a female the age is from fifteen to twenty, and sometimes much older. Polygamy is rare, although not accounted unlawful ; but it is only men well off in the world who can afford to purchase female slaves. Adultery is of rare occurrence, and its punishment is divorce.

The Káfirís have European features and a highly intellectual cast of countenance. They have both blue and dark eyes, arched eyebrows, long eyelashes, and broad open foreheads. I do not refer here to the mixed races adjoining Chitrál. Their hair varies in colour from black to the lightest brown ; and both males and females are tall and well-made, and of handsome figure. The females are remarkable throughout the neighbouring parts for their beauty. They all go about unveiled.

One of my Mahomedan authorities writes : "The male and female slaves of this race are exceedingly faithful and good-natured towards their owners, and, alas ! that but few are attainable." To obtain more is one of the chief objects of the present invasion.

Such is a brief account of the Káfirís and their country. Had they been annexed, instead of certain Afghán tribes, which will always be disaffected, they might have become a tower of strength to the Indian Empire, an impregnable advanced post against any enemy, from the north, east, or west ; but now this most interesting race, of whom so little is really known, are being exterminated by means of weapons of destruction supplied to the Afgháns by the British Government, and their women and children carried away into captivity, by the modern Nebuchadnezzar who is subsidized by the same Government, and they will be wiped off the face of the earth before their traditions and antecedents can be examined in their purity and actuality.

H. G. RAVERTY, MAJOR,
Bombay Army (Retired).

January 15th, 1896.

ART. V.—THE ITALIAN PENAL CODE.

THE present Penal Code of Italy was passed into law on the 30th June 1889, and came into force on the 1st January 1890. Rosmini was the first to demand for Italy what Thibaut had demanded for Germany, a common code, and still more a common procedure, as one of the most powerful and pacific means for uniting and strengthening the scattered limbs of a beautiful country.

The previous Criminal Law.—Up to the 31st December 1889, the various provinces of Italy were governed by diverse criminal laws. The *Albertine Code*, of the 26th October 1839, was in force in Piedmont and Sardinia, while the Lombardo-Venetian Provinces were subject to the Austrian Code of the 1st September, 1852, which, somewhat curiously, remained in vigour for some time after the Austrian occupation had ceased. Parma and Plaisance, Modena, Tuscany, the two Sicilies, the States of the Church, all had their own codes. This was prior to the Treaty of Villefrancha. Events subsequent to that treaty, while leaving Tuscany its own legislation, brought about the promulgation of two new codes, one for the northern and central, the other for the southern, part of the peninsula. There were thus three codes in force on the 31st December, 1889: the Tuscan Code of 1853, the Sub-Alpine Code of 1859, and the Sardo-Neapolitan Code of 1861.

Commissions and projects for the new Code, and its passage through Parliament.—Unification being deemed necessary, the Chamber of Deputies decided, in 1865, at the instance of Mancini, to extend the Sub-Alpine Code to the whole kingdom; but nothing came of it, as the Senate showed itself hostile to the abolition of capital punishment. Two commissions were then appointed, one to organise a prison system, the other to prepare the new code, and important projects were prepared in 1868. The judges proved to be the most determined opponents of the abolition of capital punishment. In 1869 a new commission was appointed, and in 1870 it submitted three projects or drafts, one of a Penal Code, one for repressive police, and one of a prison system. A further draft was submitted to the Senate in 1873, and finally approved by them in 1875. A portion was laid before the Chamber of Deputies in 1876, and approved by them in 1877. It is not necessary to note the further discussions and reports; but, on the 22nd November 1887, Signor Zanardelli, who had become Minister of Justice for the second time, presented to Parliament a complete project of

three books, accompanied by a learned report. The Bill passed through both Chambers in 1888, and received the Royal assent in the same year. The Code was published by a Royal decree of the 30th June, 1889, which directed that it should come into force from the 1st January, 1890. A second decree, of the 1st December following, placed its provisions in harmony with those of the Criminal Procedure and other laws. As the inevitable consequence of this unification, the law gives the power of revision in criminal matters solely to the Court of Cassation in Rome, the other courts of cassation ceasing to exercise such jurisdiction.

The Penal Codes of the Century.—The framers of the Italian Penal Code investigated the whole field of penal legislation, and especially the laws which had been in force in the Italian Peninsula, namely, the laws of Piedmont, the two Sicilies, and Tuscany. During the first half of the 19th Century, the French Code of 1870 and the Bavarian Code of 1873, the work of Feuerbach, were the types on which most of the Penal Codes of Europe were modelled. Spain in 1848, Prussia in 1851, Austria in 1852, accomplished some improvement. In 1864 Sweden substituted new provisions for the penal portion of its general Code of 1734, and in 1866 Denmark recast the sixth book of the general Code which, in 1687, it had received from Christian V.

But it was Belgium, imitated in 1879 by the grand Duchy of Luxembourg, which really inaugurated the work of reforming the penal law. The Belgian Code of 1867, while adhering to the main lines of the French Code of 1870, is a marked improvement on it. The confederation of North Germany was given a code in 1870, and this was extended in 1871 to the new Empire. This code was modified, as regards its severity, by the law of the 26th February, 1876. Holland promulgated a precise and original code in 1881. Hungary has been given two codes, one dealing with crimes and delicts (1878), the other with contraventions (1879). Portugal got a new code in 1886. Spain, after having amended, in 1850 and 1870, its law of 1848, has elaborated, since 1880, three successive projects, of which the last was presented to the Cortes in 1885. The Russian code of 1845 was amended in 1885, and further reforms are on the anvil. Austria has, since 1878, through many difficulties, been aiming at the achievement of a new Penal Code, which is destined to take the place of the code of 1852. England only still lags behind, with its motley and bewildering patch-work of statutes and decided cases. Brougham's dream seems to be as far from realisation as ever. The task of codifying the Criminal Law was entrusted, in 1874, to Sir James Stephen, who submitted his Digest in 1878. It still awaits the leisure of the

House of Commons; or, perhaps, it is that the lawyers, a powerful party in the House of Commons, are not anxious to see any simplification of the Criminal Law. In France, a Ministerial Commission has been engaged for some years on the revision of the Code of 1870. All this legislation and legislative literature has been taken stock of in the preparation of the Italian Code.

The Code has followed the dual classification into *delicts* and *contraventions*, getting rid of the triple division of the French law into crimes, delicts and contraventions. It consists of three books, one dealing with penal infractions and punishments in general, the second with the different kinds of delicts, the third with the different kinds of contraventions.

BOOK I.

INFRACTIONS AND PUNISHMENTS IN GENERAL (ARTS. 1-10.)

Title I.—The Application of the Penal Law.—No person can be punished for an offence which the law does not expressly declare to be an offence. This gets rid of the uncertainty in English law as to what commissions and omissions are or are not *indictable at the common law*. Article 2 declares the non-retrospectivity of the Criminal Law. If an act, by reason of a subsequent law, ceases to be an offence, any person who is in prison for having committed such act must at once be released. If the law at the time of the commission of the offence and the subsequent law differ, that law is applied which is most favourable to the accused.

Ex-territorial application of the Code.—Articles 3 to 8 of the Code deal in a happy manner with offences committed by Italians outside the kingdom, and by foreigners in the peninsula or outside it. First the territorial character of the penal law is affirmed, and then its ex-territorial, or personal, characteristics are described. The ex-territorial application of penal law is being more and more recognized by legislators, and is triumphing over the resistance which the principle of ex-territoriality has met with in Anglo-Saxon laws. The French Law of the 27th June, 1866 (which amends the Criminal Procedure Code of 1808), does not punish any offence which foreigners who have come to France, have committed elsewhere, either against Frenchmen or against persons belonging to other nations. The new Italian provisions, then, are a distinct advance, consecrating as they do the principle of the universality of the right to punish, and gradually paving the way for a common understanding among all nations as to the application of criminal laws.

As regards extradition, Art. 9, Italy, like several States

of Europe and America, does not withdraw extradition, which is an act of the sovereign power, from the decision of the executive, but requires an order of the judicial authority, and imposes guarantees, which are becoming more indispensable in proportion to the extension of extradition treaties and conventions. As these treaties are being developed, extradition is coming to be simply the refusal of the right of asylum, and the restrictions on such refusal are becoming fewer and fewer. Probably the time will come when no man will be able, by fleeing to another country, to escape the consequences of his criminal acts.

TITLE II.—PUNISHMENTS (ARTS. 11-30.)

According to modern ideas, punishment is not intended to avenge the victim or society, nor to afford reparation for the injury suffered, but, as regards the social body, to re-establish the order which has been disturbed by the violation of the law, and, as regards the criminal, to bring about his reformation. Some Jurists go so far as to call punishment "the right of the offender to be reformed."

The Italian Code, in common with almost all other codes, does not reproduce the ancient and irrational distinction between punishments which are disgraceful or degrading (*infamantes*) and those which are not so—a distinction made in the French Code of 1870. No punishment is considered to be degrading. Penal labour which humiliates the prisoner, without exercising any moral influence over him, is abolished; to be reformatory, work must be useful, and it is considered that such punishments as the crank, shot drill, and tread-mill, are irreconcilable with the principles of new penitentiary systems. Confiscation of property is prohibited, while transportation and banishment find no place in the Code. Banishment was considered to be a legacy of barbarous times, while the absence of colonial possessions probably explains the exclusion of transportation from the category of punishments. Corporal punishment, the severity of which has been lessened by England, and which was abolished even by Russia on the 17th April, 1863, had long been rejected by the laws of the Italian States. Finally, capital punishment finds no place in the Code.

DIFFERENT KINDS OF PUNISHMENT.

The Code contains two lists of punishments, one for delicts, the other for contraventions. The punishments prescribed for delicts are the following :—

1. Perpetual imprisonment (*ergastolo*.)
2. Reclusion.
3. Detention.
4. Confinement.

5. Fine (*multa*.)
6. Prohibition of the exercise of public functions. Those prescribed for contraventions are—
 1. Deprivation of liberty.
 2. Compensation (*ammenda*.)
 3. Suspension of the exercise of a profession or trade.

CAPITAL PUNISHMENT.

The *ergastolo* is the substitute for the punishment of death. Italy is the first important State which has abolished capital punishment. It had been finally * abolished in Tuscany in 1859, but the opposition of the magistracy† and the Senate prevented its abolition throughout the whole kingdom. The punishment was abolished in Greece in 1862, in Portugal in 1867, and in Holland in 1870. The opinion of Jurists seems to be against its abolition, as any substitute must be either too rigorous, demanding an agency more cruel than the executioner, or must be insufficiently repressive. Even the humane Beccaria declared that the punishment was necessary when it was the sole means of turning men from the commission of great crimes. If the discipline of a single department, the army, requires that a soldier should be shot down by his comrades, there can be no iniquity in delivering an assassin to the executioner for the preservation and protection of the whole fabric of society. In connection with the question, it is significant to note the experience of Switzerland. From 1856 to 1873 several cantons abolished capital punishment, and Art. 65 of the Helvetian Constitution, of the 19th April, 1874, made such abolition universal. This provision was abrogated on the 18th May, 1879, and each canton was given the power to restore capital punishment, except for political offences. No fewer than eight cantons have already availed themselves of this right, and it seems probable that in a country like Italy, in parts of which the knife and dagger are freely used, capital punishment will have to be resorted to again. It must be said, however, that the penalty of death is rarely inflicted in Belgium; in Germany it is habitually commuted, while executions are extremely rare in Sweden, Norway, and Denmark.

PUNISHMENTS RESTRICTIVE OF PERSONAL LIBERTY.

At the summit of the ladder of punishments restrictive of personal liberty is the *ergastolo*, which is a perpetual punishment, undergone for the first six years in cellular isolation,

* It was first abolished in Tuscany in 1786, restored in 1800, suppressed again in 1847, again restored in 1852, and finally abolished in 1859.

† The Court of Cassation of Florence was the only Court in favour of the abolition of the capital penalty.

and afterwards in association with other prisoners, but under the obligation of silence. The severity of this punishment is, in practice, mitigated in various ways, even to the extent of liberation.

The period of both reclusion and detention may extend from three days to twenty-four years. Reclusion corresponds to imprisonment with hard labour, and is the punishment for the worst offences, while detention is rather a sort of *custodia honesta*, imposed for offences of lesser moral gravity. Persons sentenced to detention are placed, not in the ordinary prisons, but in special establishments; they are allowed to choose what work they will do, and are isolated only at night. Reclusion is undergone for a first period in cellular isolation (the Philadelphia system—English separate confinement), and afterwards in association during the day, with separation at night (the Auburn system, or penal servitude). When the prisoner has been sentenced to not less than three years, and has undergone half the imprisonment with good conduct, he can serve out the remainder in an agricultural* or industrial penitentiary establishment (intermediate prison), or even on public or private works, under the supervision of the administration. In both reclusion and detention, when the punishment exceeds three years, conditional release for good conduct is accorded—in the former case, if the prisoner has served three-quarters of his term and not less than three years, in the latter case, if he has undergone half, always provided that the remainder of the term does not exceed three years. This is the English *ticket-of-leave* system, which has been adopted by other countries, and especially France and Belgium, where the principle has been much extended, and conditional liberation can be granted even after a detention of only three months.

The punishment of *confinement* (*il confino*) consists in the obligation imposed on the condemned person to live, for a period of not less than one month and not exceeding three years, in a particular commune specified in the sentence, which must be at least 60 kilometers distant from the commune in which the offence was committed, and also from the communes where the injured persons or the accused reside. If the prohibition is disobeyed, the confinement is converted into detention for the remaining period. The project of Signor Zanardelli contained also the punishment of *local exile*, which permitted the convicted person to live in any commune he pleased, provided it were 20 kilometers from the communes above mentioned. The Spanish

* Italy has well-organised agricultural establishments at Pianosa, Monte Cristo, Gorgona, Giglio and Tremitu. France has agricultural penal colonies in Corsica and Algeria, Austria has them in Carinthia, and Prussia has now started them.

law has a punishment *destierro*, which prohibits the convicted person from living in or going to the places specified in the sentence.

The new Code distinguishes two sorts of fines, the *multa* for delicts, and the *ammenda* for contraventions. In default of payment, detention is imposed in the former, and *arrest* in the latter case. Detention in default of payment of fine can never exceed a year. In both cases, labour in the service of the State, Province, or commune may be substituted for imprisonment, two days' work being equivalent to one day's imprisonment. This excellent principle has been further extended in some legislations,* the fine being made payable in money *or work*, and imprisonment being permitted only in default of *both*. The Portuguese Code allows payment of fine by instalments, when the accused gives security.

The interdiction of public functions is perpetual or temporary. It involves the deprivation of every political right, public function, academic degree, honorific distinction, &c. The law determines when it is confined to some of the above, or extends also to the exercise of a profession or trade.

The three punishments prescribed for contraventions are *arrest*, fine, and suspension of the exercise of a profession or trade. Fine has been dealt with above. As regards "arrest," the Italian legislator has shown a proper determination not to harden or demoralise petty offenders. This punishment varies from one day to two years, and is undergone in special houses or establishments, with the obligation to work and isolation at night only. In the case of women and minors, who are not recidivists, when the punishment does not exceed one month, the judge may order the punishment to be undergone in their own houses. The law determines the cases in which the punishment may be undergone in some State workshop, or even on some work of public utility. The power to allow women and minors to undergo the sentence in their own houses seems to be a most salutary provision. The principle was probably borrowed by Italy from some other Codes.† If the order is transgressed, the ordinary punishment must be undergone.

The suspension of the exercise of a profession, or a trade extends from three days to two years. It is intended to check the abuse of any profession or trade. One or two drafts had

* The Helvetian Federal Law of 30th June 1849; the Berne Prison Code, Art. 523; the French law of 18th June 1859, amending the Forest Code; the Prussian law of 15th April, 1872 on forest offences. The subject was discussed at the Prison Congress, held in Rome in 1885.

† Austrian Code, Arts. 246, 262; Zurich, Art. 17; Ancient Code of the two Sicilies, Art. 38. We find in Ulpian—*Potest præses quemdam damnare ne domo sua procedat. De Pænis, XLVIII, 19.*

confined such suspension to those professions or trades for the exercise of which a diploma, license, or permission is necessary, but the Code, as passed, contains no such restriction.

THE JUDICIAL REPRIMAND.

The Judge may substitute the judicial reprimand for the punishment pronounced by him, in certain petty cases in which extenuating circumstances are allowed and the offender has not been previously convicted of any delict. This reprimand consists of a warning, suitable to the position of the person and the circumstances of the act, publicly* addressed by the Judge to the offender in open court. If the offender does not appear on the day fixed by the reprimand, or if he does not receive it with respect, the sentence pronounced is enforced. In the case of reprimand, the convicted person has to bind himself by a personal bond (giving substantial sureties also, if so required by the judge) to pay a fixed sum, by way of penalty, if he commits any further infraction within a time to be specified in the sentence; and, in case of infraction, the original punishment, too, can be inflicted. This indulgent provision of the Italian law is intended to excite a desire to reform, and proceeds on the assumption that kindness may be more efficacious than severity;† while the taking of security is considered to be a good safeguard against recidivism.

The judicial reprimand must not be confounded with the preventive warning or admonition dealt with in Arts. 105-109 of the law of the 20th March, 1865, relating to the Public Security; which warning is given by the Prætors, at the instance of the Police, to idlers, vagabonds, and suspects.

SPECIAL SUPERVISION OF THE OFFICERS OF PUBLIC SECURITY.

The law determines the cases in which the Judge must add to the punishment the sentence of special surveillance. Such surveillance cannot be imposed for a less term than one year, or for more than three years. The offender must, within fifteen days of his release, inform the competent authority where he intends to reside, and must observe certain rules and restrictions imposed in conformity with the law. The equivalent of such surveillance in England is contained in the Prevention of Crime Act. In India released convicts are subjected to a system of surveillance, which unfortunately rests on no legislative basis.

* The Spanish Code, which also has the reprimand among its punishments, distinguishes between the public reprimand in open court (*reprension publica*) and the private (*reprension privada*) in camera.

† In England an accused may be bound over to come up for judgment when called upon, and the recent First Offenders Act is an extension of the same principle. Some such provisions are called for in India.

Arts. 29 and 30 deal with the latitude left to the Judge in the application of punishment. *Pæna est æstimatio delicti*, says Papinian, and the Italian legislator has decided that the estimation must be to a certain extent that of the legislator, with a view to avoid monstrously severe as well as ridiculously inadequate sentences. The Code rejects the opinion of Mittermaier, who advocates the extension of the discretion of the Judge, and follows the restrictive views of Feuerbach and Lipmann, who think the Judiciary encroach too much on the province of the legislature; so that, in the fixation of punishment, the Italian Courts now enjoy less latitude than those of France.

TITLE III.—THE CONSEQUENCES AND EXECUTION OF PENAL SENTENCES. (ARTS. 31-43.)

Sentences of *ergastolo*, or of reclusion exceeding five years, carry with them the perpetual interdiction of public functions; a sentence of reclusion exceeding three years involves such interdiction for a period equal to the sentence. Such consequences are based on the *capitis diminutio* of the Roman law. *Ergastolo* also deprives of the *patria potestas* and the marital power, while such deprivation *may* be ordered in the case of reclusion exceeding five years. *Ergastolo* has a further consequence, the propriety of which has been attacked, as imperilling the right of property, namely, deprivation of the power to make a will, and it even renders void the will made before conviction. On the one hand, it is said that to give a sentence the effect of civil death punishes others than those whom it is desired to punish; while others urge the danger of allowing a notorious criminal to will away his property as he pleases.

A conviction for the abusive exercise of any public function, profession, or trade for which a delegation or permission is necessary, involves temporary loss or suspension of such function or profession for a period equal to the duration of imprisonment (substantive or in default of payment of fine). As regards other professions and trades, the law declares when a conviction involves the suspension of their exercise.

On conviction, the Judge *may* order the confiscation of things used or intended to be used in the commission of the offence, or which are the product of the offence, unless they belong to others who have no connection with the offence; but confiscation *must* be ordered, even if there is no conviction and the things do not belong to the accused, when they are articles of which the manufacture, use, carrying, possession or sale constitutes a breach of the law.* Such special confiscation is prescribed by almost all the Codes of Europe.†

* In India, on a conviction for libel, sale of obscene books, etc., the Court may order the destruction of all the copies of the thing in respect of which the conviction was had. The Court may also order the destruction of the food, drink, drug, or medical preparation in respect of which a conviction has been had under sections 272-275 Penal Code. C.P.C. 521.

† Germ. P. C., 40; Belgium, 42, 43; Hungary, 61; Holland, 33, 34.

A criminal conviction does not prejudice the right of the injured party to restitution or pecuniary reparation. Compensation may be given in the case of offences which affect the honour of the individual or the family, even when no tangible damage has been caused. The accused, if convicted, is bound to pay the costs of the case.

The imprisonment undergone during the trial and before conviction* is deducted from the total imprisonment imposed. If the punishment be *confinement* only, one day's imprisonment is counted as equivalent to three days' confinement. The French, German, Danish, Hungarian, Dutch and Russian Codes allow such deduction, without making it obligatory. Some criminalists say it should only be deducted if the under-trial detention is unnecessary. But such a rule seems vague.† The *Partidas* of Spain have carried the principle to an exaggerated length in ordaining that, if an accused under trial be detained for two years without sentence being pronounced, he must be acquitted. Such a provision must be the outcome of intolerable delays in the administration of justice, and is probably intended to act as a check on such delays.

A sentence of *ergastolo* is printed and fixed up in the commune in which it has been pronounced, in that where the offence was committed, and in that where the convicted person last resided.

TITLE IV.—CRIMINAL LIABILITY, AND THE CAUSES WHICH EXCLUDE OR DIMINISH IT. (ARTS. 44-60.)

The exclusion or diminution of criminality, that is, criminal responsibility, is, perhaps, the most important department of penal law. The Italian legislator, while steering clear of the rock of indiscriminate liability, has given no less wide a berth to the extravagant conclusions of the school of criminal anthropology. Doctors are, no doubt, extremely useful for the diagnosis of the mental state, but the above-mentioned school would adopt the dangerous practice of making them sole arbiters in such matters. Certain it is that the acceptance of their shibboleths, such as "impulsion of disease" and "irresistible force," would result in altogether sapping away the foundations of criminal justice, and would threaten the very existence of society. The Italian legislator discards the thesis of "irresistible force," and takes its stand on a lofty principle, which defies theories and the scalpel, namely, that a *man's conscience*

* *La détention préventive*: Anglo-Indian *hajut*: In India, as a matter of fact and practice, the period of detention in *hajut* is always taken into consideration in passing sentence.

† In India all offences are classed as bailable or non-bailable: if non-bailable, the accused *must* remain in *hajut*.

gives him responsibility. In the present Title are carefully defined the exceptions to, or modifications of, this principle.

"Nothing is an offence which is done by a person who, at the time of doing it, was in such a state of mental infirmity as to deprive him of conscience, or of the control of his acts, or liberty of action." But the Judge can send him before a competent authority to be looked after. If the state of mind is such as to materially lessen the responsibility, without taking it away, the punishment is diminished in accordance with fixed rules. The wisdom of introducing a sort of intermediate state of semi-responsibility, very difficult to determine, has been questioned, especially as considerable latitude is given to the Judiciary by the doctrine of extenuating circumstances, incorporated in Art. 59 of the Code.

The above provisions are made applicable to accidental drunkenness. If the drunkenness be voluntary, the punishment is reduced, such reduction, however, being less if the drunkenness is habitual. But there can be no diminution of punishment if the drunkenness has been brought about in order to facilitate the commission of the offence, or to serve as an excuse. The old maxims, such as "*qui peccat ebrius, luat sobrius*," have been discarded, and the tendency of modern jurisprudence is to consider drunkenness as a mitigating circumstance.

Nothing is an offence which is done by any person in obedience to the law or an obligatory order of authority, or in self-defence against actual and unjust violence, or to save himself or any other person from a serious and imminent danger, provided such danger was not the result of his own act, and could not be otherwise avoided. If the limits prescribed by the law, authority, or necessity are exceeded, he becomes liable to a reduced punishment. The punishment is also reduced, when the offence has been committed under the spur of anger or intense pain, caused by unjust provocation.

If an offence affects, not the person against whom it was directed, but an accidental victim, the punishment is determined in accordance with what was intended.

AGE.

Nothing is an offence which is done by a person under nine years of age; that is, there can be no penal prosecution; but when the act constitutes a serious offence, the minor may be sent to an establishment of education and correction until he attains the age of majority. Above fourteen years of age, the question of discernment does not arise; but from fourteen to eighteen the punishment is sensibly diminished, while it is very slightly diminished from eighteen to twenty-one, at which age full responsibility is incurred. The deaf mute is considered to be

a minor till twenty-four years of age, and, even after that age, the question of discernment can be examined.

The Italian rules seem to be too rigid, and perhaps do not seem to take sufficient account of premature precocity—*sæpe malitia supplet ætatem*. It is curious to note that the great divergence of laws on the subject of age responsibility seems to bear no relation to climate; in frigid Sweden, one is a major at fifteen, but in Spain at eighteen. The age of criminal irresponsibility (*doli incapax*) ceases in India, as in England, at seven; in Spain it ceases at nine; in Denmark, Holland, Sweden, Portugal and Geneva at ten; in Germany, Hungary, and certain Swiss cantons at twelve. In France and Belgium there is no absolute irresponsibility, the discernment being a question of fact in each case.

Besides the diminutions of punishment prescribed by law, all punishments must be reduced by one-sixth, whenever extenuating circumstances are found in favor of the accused. A serious attempt was made to define what should be considered to be extenuating circumstances, but the task proved to be impracticable.

As regards contraventions committed by persons who are subject to the authority, guardianship, or supervision of others, the latter are also liable to the punishment prescribed when such contraventions infringe rules or orders which the person in authority was bound to observe, and which could have been prevented by the exercise of due diligence on his part.

TITLE V.—ATTEMPTS (ARTS. 61-62.)

“He who, with the object of committing an offence, commences it with means suitable for its perpetration, but, from circumstances independent of his own will, does not accomplish all that is necessary to complete the offence, is punishable with from one-half to two-thirds of the punishment provided for the offence. If he does all that is necessary for the completion of the offence, but the offence does not actually result, owing to circumstances independent of his will, the punishment is diminished by only one-sixth to one-third.”

It will be seen that the Code distinguishes between the attempt commenced, the attempt which fails only for want of means,* and the completed attempt (*conatus perfectus*). A wants to poison B, but by mistake puts sugar in his glass, instead of arsenic; or he strikes at what he believes to be B's body, but what is really only a block of wood. In both these cases the consummation of the offence is impossible. Suppose

* *Il delitto mancato: le méfait manqué*. Without fitness of means, in other words, if the offence is impossible, there is no penalty. The French Code is now isolated in punishing equally all three sorts of attempts.

he puts arsenic in the glass, but not enough to kill. Here he has not done all that is necessary to complete the offence, and the punishment is only one-half to two-thirds of that provided for the offence. Suppose he puts in enough arsenic to kill, but B discovers it in time, and does not drink it, here the offence does not result owing to circumstances independent of his will, but he has done all that is necessary for its completion.

In this case the punishment is reduced by only one-sixth to one-third.

The German doctrine looks at the *result produced*. The French legislator says, "never mind the result; if a certain result would have taken place, but for circumstances beyond the control of the author, the latter is punishable as if the result had taken place." Both the illustrations under Section 511 of the Indian Penal Code refer to what jurists call impossible offences. One is as follows:—

"A makes an attempt to pick the pocket of Z by thrusting his hand into Z's pocket. A fails in the attempt in consequence of Z having nothing in his pocket. A is guilty of an attempt."

Now this illustration is nothing more or less than the English case of *Reg v. Collins*,* in which it was ruled that, the pocket being empty, there could be no conviction of an attempt to steal. In what more emphatic way could the framers of the Indian Penal Code have manifested their intention of making the Indian radically different from the English law? And yet such intention has been disregarded, as other Indian decided cases show. The English case-law is, as often happens, inconsistent. In 1846, it having been made punishable by 7 Will., iv, and 1 Vic., c. 85, s. 6, "unlawfully to use any instrument with intent to procure the miscarriage of a woman," a man was held to be guilty, though the evidence showed affirmatively that the woman supposed to be pregnant was not so in fact. The acutest understanding, says Bishop, could not reconcile this with the pocket-picking case. Bishop's exposition of the law of attempts deserves to be quoted as a master-piece of conciseness and common sense. "An attempt is an intent to do a particular thing which the law, either common or statutory, has declared to be a crime, coupled with an act *toward the doing*, sufficient, both in *magnitude and proximity* to the act intended, to be taken cognizance of by the law, which *de minimis non curat*." In the words of the Hungarian legislator, the Court must see whether there has been only a simple and somewhat remote act of preparation, or a veritable commencement of execution.

* L. and C., 471; 9 Cox., P. C. 497.

TITLE VI.—THE COMBINATION OF SEVERAL PERSONS
IN A SINGLE ACT. (ARTS. 63-66).

This Title deals with the English doctrine of *principal* and *accessory*, the abetment of the Indian Penal Code.

Most laws have only two classes, (1) doers and co-doers, and (2) accomplices. The Italian law, adopting the doctrine of Carrara, has three categories :—

1. Doers, co-doers or immediate co-operators.
2. Principal instigators.
3. Accomplices or abettors.

The immediate co-operators are liable to the full punishment prescribed for the offence. So also is the principal instigator, sometimes called the *intellectual doer*, who has been detached from the category of accomplices. But when the doer has committed the offence from personal motives, the principal instigator is liable to reclusion only, in lieu of *ergastolo*, while other punishments are reduced by a sixth.

Aiders and abettors (the third category) are those who (1) excite or strengthen the resolve to commit, even by a promise of assistance after the perpetration, (2) give instructions, or provide the means for the commission of the offence, or (3) facilitate the execution by assistance, before or during the perpetration. They are liable to only half the punishment provided for the offence, but such diminution is not applicable, if the commission of the offence would have been impossible without their co-operation.

When the perpetration of an offence in which several persons have joined, has been facilitated by those circumstances or inherent qualities in one of the doers on account of which punishment is enhanced, all are equally liable, if they had knowledge of the existence of such circumstances or qualities, but the punishment is reduced by one-sixth. Such circumstances or qualities are those which concern the will, the mental state, age, natural, legitimate, or contractual relations between the offender and the victim, and recidivism. The material circumstances which enhance punishment, even when they involve an alteration in the kind of offence, are equally applicable to those who had knowledge of their existence at the time they lent their assistance. Material circumstances have reference to acts of preparation, execution and consummation. Such circumstances are, in principle, communicable to those who have knowledge of them; but inherent qualities are incommunicable. However, the Italian Code lays it down that, *if they facilitate the offence*, they are applied to all who had knowledge of their existence. Some jurists would go further, and think that knowledge of their existence is sufficient to impose the same liability on the other co-

operators, *whether they serve to facilitate the offence or not*. The *Lex Pompeia de parricidiis* made the accomplices of the parricide liable to the same punishment as the parricide himself; and whether the son delivers, or not, the key of the room in which the father is to be assassinated, it seems right that the aggravation should extend to the accomplices who know of the relationship. Circumstances, or qualities, which diminish or exclude the liability of the accomplice, such as minority or madness, do not benefit the other accomplices.

Assistance rendered after the offence (*favoreggiamento*) used to be confused by ancient schools with complicity; but the Italian law properly makes it a distinct offence.

TITLE VII.—THE CUMULATION OF OFFENCES AND PUNISHMENTS (ARTS. 67-79)

The Italian law, rejecting alike the system of absorption, which involves impunity for certain offences, and the system of material cumulation, which goes to the opposite extreme, adopts what is known as the juridical, intellectual, or moral cumulation, and modifies, according to consequences, the maxim *tot pœnæ quot delicta*.

If a person commits several offences, punishable with the same kind of punishment, the punishment for the most heinous offence is applied, with an addition of half the total duration of the other punishments. If the kinds of punishment differ, the addition is only one-third. But the punishments of temporary interdiction of functions are integrally or cumulatively applied, provided that the total does not exceed ten years of interdiction and four years of suspension. Pecuniary punishments are always integrally applied, provided they do not exceed in all 15,000 lira for delicts and 3,000 lira for contraventions. The total imprisonment in default of payment of fines cannot exceed eighteen months.

If a single act constitutes several offences, the punishment is that prescribed for the most grave offence.

TITLE VIII.—RECIDIVISM (ARTS. 80-84.)

A man who has been previously convicted may again commit the same offence, or an offence of the same kind, or he may commit a different offence. The enhancement of punishment for the second offence in the former case is known in the science of criminal jurisprudence as *special recidivism*, in the latter case as *general recidivism*. General recidivism is adopted by the French and Belgian Codes, but most codes require that the second offence should be identical with the first, or of a similar nature, or of the same class, as coming under the same chapter of the code. The Italian Code, following the doctrines of Carrara, adopts as a criterion "the

identity of guilty impulsion or motive in the first and subsequent offences." The phrase is a happy one, but the application of the principle is extremely difficult in practice.

The Italian Code, while adopting the principle of special recidivism, gives a wide interpretation to "offences of the same kind." These include not only all offences which fall under any one chapter of the Code, but also the following classes:—

1. Offences against the safety of the State.
2. Offences by public servants.
3. Offences against political and religious liberty, and all offences against the public administration or public order.
4. Slander, false evidence and prevarication.
5. Offences against public security.
6. Offences against morality and the peace of families.
7. Homicide and violence against the person.
8. Theft, robbery, extortion, cheating and other frauds.

Perhaps there are too many classes, it being difficult to recognize identity of impulsion in some of them. On the other hand feelings like revenge, which notably realise the identity of motive, may lead to the most divergent offences. Moreover, human perversity is not less formidable when it reveals itself in different forms. It often happens that murderers have previously committed the most diverse offences. Fortunately the Italian Code has adopted the principle of general recidivism also *quoad* grave offences. An offender is considered a recidivist if the punishment previously undergone exceeded five years, no matter what the offence was. The enhanced punishment on a subsequent conviction varies from a sixth to one-half in different cases. In all cases it is necessary that the second offence should be committed within ten years from the expiry of the previous sentence. There is the same limitation in Germany, Spain (for crimes), Portugal, Hungary and Denmark; it is five years in Holland and Spain (for delicts); while there is no limitation in England and India. In France and Belgium an offender is not considered a recidivist if more than three years have elapsed since his release from prison.

The enhanced punishment is obligatory, as in the Codes of France, Hungary Germany, and Portugal. In Holland, Belgium, and India it is at the discretion of the Court.

TITLE IX.—THE EXTINCTION OF PROSECUTIONS AND PENAL SENTENCES (ARTS. 85—103).

The following causes of extinction are common to prosecutions and convictions; death, amnesty (which, however, does

not affect the civil action), general and special pardon, remission or release (which emanates from the injured party in cases in which there can be no prosecution without his complaint), and prescription. Though the death of the convicted person stops the realization of fine, it does not prevent an order of confiscation from being carried out. The French, Hungarian, and Indian Codes allow the realization of fines from the heirs of condemned persons.

Unless specially mentioned in the decree, a pardon does not make to cease the deprivation of public functions, or suspension of the exercise of a profession or trade, or police surveillance.

As regards prescription, there is prescription of the prosecution, and also of the punishment itself. Prosecution is barred by the lapse of twenty, fifteen, ten, five, two years or two months according to the cases mentioned. But the course of prescription is interrupted by any sentence of conviction, even a sentence by default, and also by any process of justice directed against the accused. The interrupted prescription begins to run again from the day of the interruption, but the periods of limitation mentioned above cannot be prolonged by more than one-half of the term laid down in each case.

The prescription of punishments (except *ergastolo*) is completed on the expiry of thirty, twenty, ten, four years, and eighteen months. The punishment of *ergastolo* is made imprescriptible, and the object of this was to add a new and special rigour to the punishment, which was destined to take the place of capital punishment. In Russia convictions for offences against the State and for parricide are imprescriptible.

Rehabilitation, which may be compared to the *restitutio in integrum* of the Roman law, is the crown and indispensable complement of a wise penal system. The grant of rehabilitation is ruled by Arts. 834—847 of the Italian Code of Criminal Procedure. It puts an end to the perpetual interdiction of public functions and every other perpetual incapacity, and it may be demanded by the condemned person on the expiry of five years from the day on which the punishment was completely undergone, or the sentence extinguished. This time is doubled in the case of recidivists. The Belgian Code has substituted rehabilitation by pardon of the executive (*réhabilitation gracieuse*) for judicial rehabilitation.

Art. 301 contains a curious provision, which enables an accused, in the case of contraventions punishable with a fine not exceeding 300 lira, to stop the prosecution by paying in before the commencement of the trial a sum equal to the maximum of the fine prescribed for the contravention committed, in addition to costs. This voluntary satisfaction given to justice has the effect of preventing any *record* of the matter, and therefore

saves the *stigma of a conviction*. This provision would be very much welcomed by natives of position, who may have infringed municipal and conservancy bye-laws in the Municipalities of India.

The extinction of the prosecution does not prejudice the civil action *quoad* restitution and compensation for injury.

BOOK II.

DIFFERENT KINDS OF OFFENCES.

The First Part of the Code having laid down the general principles affecting criminality, the Second Part proceeds to deal with specific offences and contraventions. The Second Book relates to Delicts or offences, and the Third Book to contraventions. Offences are divided into ten classes:—

I.—OFFENCES AGAINST THE SAFETY OF THE STATE (104—138).

Offences against the safety of the State are sub-divided into offences against the country, offences against the Powers of the State, and offences against Foreign States, their chiefs and representatives.

A noticeable feature in this part of the Code is the frequent avoidance of definitions, in striking contrast to the Indian Penal Code. A remarkable instance of this want of precision is the very first section (Art. 104) which enacts that "whoever commits an act *tending to* subject the State or any part of it to foreign domination, or even to lessen its independence or alter its unity, is punishable with *ergastolo*;" whereas the next following section prescribes fifteen years' reclusion only for the man who actually carries arms against the State.

The revelation of political or military secrets affecting the safety of the State is punishable, though of course more lightly, even when the divulgation is due to the *negligence or imprudence* only of those who, by reason of their office, are in possession of such secrets, documents or plans. Art. 116 punishes with fine from 100 to 3,000 lira the citizen who accepts honorific distinctions, pensions or other advantages from a State at war with Italy. A provision which appears to be intended to preserve the monarchy is Art. 125, which makes it punishable with a year's detention and fine to attach to the king blame or responsibility for the acts of his Government. Art. 126 is a little startling to British ideas of free speech and agitation, for it makes it punishable with six months' detention, or fine, to publicly vilify the constitutional institutions of the State. Small wonder that there are a good many political prisoners in the jails of Italy! The speeches made in Hyde Park against the House of Lords would in Southern Italy at any rate be deemed a revolution.

It is worthy of note that the provisions of the law of the 13th May 1871, regarding attacks on the person of the Pope, have not been incorporated in the Penal Code.

Arts. 128—130 satisfy the demands of international duty. The Code of Germany has inspired the provision which makes it an offence to destroy or damage in a public place the flag or other emblem of a Foreign State. But there can be no prosecution for this offence except on the complaint of the State concerned.

II.—OFFENCES AGAINST LIBERTY.—(139-167.)

Under this head the Code deals with offences against the following kinds of liberty : political liberty, the liberty of religion, individual liberty, the inviolability of the domicile, the inviolability of secrets, and the liberty of work. The aim of the legislator is to prevent any interference with the exercise of any right.

There seems to be foundation for the allegation that the Code has to a great extent broken the power of the priests. One of the objects of its framers was to suppress political discourses in the pulpit. The writer was in Italy just after the Code had come into operation, and frequently attended the courts. It was the general impression that the Code was very severe, perhaps too severe, against the priesthood. As regards offences against religion, it is noteworthy that the mere outrage against *religion* is not punishable ; what is punished is the insult to a particular person, prevention of the exercise of a particular ceremony, destruction of objects destined for worship, and the like. In this respect the Code has completely broken away from the traditions of the Sub-Alpine and Tuscan Codes, and it is apparently now no offence to indulge in gross abuse of a particular religion. This seems to be a defect, as the moral force which flows from religion is one of the foundations of social order.

As regards the inviolability of a person's house, the wording of the law is intentionally wide, and forms a contrast to the somewhat narrow definition of 'criminal trespass' in the Indian Penal Code, which requires proof of some criminal intent. The Italian provision is far more in accord with Indian feeling, which guards with jealousy the sanctity of the marital or family dwelling. Art. 157 punishes any person who arbitrarily enters or remains in the house of another, in spite of the prohibition of the person, who has a right to prevent him, or even enters or remains there clandestinely, or by deceit.

The provisions regarding the inviolability of secrets are mainly intended to protect epistolary or telegraphic correspondence. The mere opening of a letter not addressed to one, is punishable ; and the punishment is heavier (a month to three

years' reclusion and fine) if damage is caused by divulging the contents of the correspondence. Where no damage has been caused, there can be no prosecution, except on the complaint of the person aggrieved.

Some codes, for instance, the Dutch Code, give absolute protection to professional secrets, that is, those confided to doctors, advocates, priests, &c. But the Italian Code only punishes revelation when it can cause damage, and is *without just cause*. In France revelation is prohibited, except in those cases in which the law imposes an obligation to give information. To this exception the Belgian Code (Art. 458) adds those cases "in which persons are summoned to testify in a court of justice."

Offences against the liberty of work generally come under the category of offences against commerce. Combinations and strikes are not unlawful. All that is made penal is the use of threats or violence with a view to prevent the continuation of work. This is the law in England, though it is not strictly enforced.

III.—OFFENCES AGAINST THE PUBLIC ADMINISTRATION—(168-209).

This part deals with offences by public servants, embezzlement, bribery, corruption, and abuse of authority; abuse by priests of their functions; the usurpation of public functions, titles, or honours; violence and resistance to authority; offences against public servants; breach of contract, and fraud in State contracts, &c.

Art. 183 has been considered to be unduly harsh on ministers of religion. It punishes with detention from three months to two years, fine, and temporary or perpetual deprivation of ecclesiastical benefices, the clergyman who, in the exercise of his calling, excites contempt of existing institutions, laws or orders, or induces disobedience to such laws. S. Zanardelli, discussing this section in his report to the king, scouts the idea of there being any danger of arbitrary acts and persecutions, and says that "the good priests in whom Italy happily abounds, may live assured that, in the performance of the duties inherent in their ministry, they will encounter no obstacle in the penal law. This law must be regarded solely as a check against those evil actions which heretofore both the civil law and divine precepts and the holy traditions of Christianity must have prohibited." Probably the section has been mainly aimed at the priests of Southern Italy, many of whom are drawn from the dregs of the population.

In the matter of resistance to the acts of public servants, the Italian Code has endeavoured to effect a sort of compromise between the doctrine of passive obedience and the doc-

trine followed by England, Germany and Holland, of the impunity of resistance to illegal acts. The Italian Code gives impunity where the act has been provoked by the public officer exceeding by arbitrary acts the limits of his powers. The Indian Penal Code does not allow the right of private defence against the acts of public officers, if they *in good faith** believe themselves to be acting legally. The Italian magistrates, in their reports on this part of the Code, pointed out the extreme danger of allowing private citizens to constitute themselves judges of the legality or otherwise of the acts of public servants. This danger must be even greater in a country like India, and yet the High Court of Calcutta have introduced the English doctrine, though the framers of the Indian Code deliberately refused to follow it.†

The definition of "public officers" is worthy of note. It includes all who are invested with public functions, whether *they receive pay or not*, in the service of the State, a province, a commune, or any institution placed by law under State, Provincial, or communal management. In India, there are numbers of unpaid apprentices or assistants in the Government offices, learning the work, and having a preferential claim to appointments falling vacant. They have some responsible duties to perform, and are entrusted with valuable documents to copy, &c. It is, of course, necessary that they should be under the obligations of public servants, but whether they are public servants or not, has not been authoritatively decided.‡

Breach of contract to provide stores or other necessary things for any public service, or for rendering assistance in a public calamity, is punishable with from six months to three years' reclusion and fine. If the breach is due to negligence only, the maximum punishment is a year's detention. Fraud as regards the nature, quality, or quantity of the things supplied is more heavily punished. There is a special law dealing with breach of contract to provide stores, &c., for the army and navy. Such provisions are to be found in almost all the Continental codes. The Indian Penal Code punishes certain breaches of contracts *of service*, when the offenders are too poor to get any monetary compensation from, and the breach itself is likely to cause irreparable damage, serious injury to

* Nothing is said to be done 'in good faith,' which is done without due care and attention. I. P. C., 52.

† See Sec. 95, Indian Penal Code.

‡ The point came before the Allahabad High Court. I. L. R. 8 All. 201. Straight, J. said: "If such a contention were allowed, and the question whether a man was a public servant were to depend wholly upon the test of his receiving or not receiving a salary, very great mischief and difficulty might arise in a country like this, where numerous persons are engaged in the performance of public duties without pay."

the person, or even death. The framers of the Code remark: "It is often necessary for travellers of the upper classes, even for English ladies, ignorant, perhaps, of the native languages, and with young children at their breasts, to perform journeys of many miles over uninhabited wastes, and through jungles in which it is dangerous to linger for a moment, in palanquins borne by persons of the lowest class." The Penal Code of Russia, too, prescribes rigorous penalties, not only against professional guides who run away and leave travellers, but also against private persons who abandon their comrades under circumstances in which the abandonment may have fatal consequences for the latter. The writer believes that the only Statute which punishes breaches of contract, pure and simple, is 38 and 39 Vict., c. 86, secs., 4, 5. This law punishes *wilful and malicious* breaches of contract to supply gas or water, or similar breaches of any contract of service, knowing, or having reason to believe, that the probable consequence will be to endanger human life, or cause serious bodily injury, or expose valuable property to destruction or serious injury. There are other apparent breaches of contract,* but they are really breaches of duty imposed by law in consequence of the contract.

IV.--OFFENCES AGAINST THE ADMINISTRATION OF JUSTICE. (210-245).

Under this head the Code deals with the following offences: refusal to perform legal duties, false information, false charges, false evidence, dishonesty in conducting cases, harbouring, escape and rescue from lawful custody, arbitrary taking of the law into one's own hands, and duelling.

The provision regarding refusal to perform legal duties has for its object the removal of any obstacles to the elicitation of truth. It is aimed against witnesses, experts, interpreters, and jurors who try to get rid of their obligations. The Code of Criminal Procedure imposes duties of a somewhat exceptional nature on medical experts. Experts are liable to the additional punishment of being temporarily suspended from the exercise of their trade or profession.

It is punishable with a reclusion, which may extend to thirty months, to falsely inform a public officer that an offence has been committed, or to fabricate the *indicia* of some offence, so as to render an inquiry possible. The same punishment is prescribed for a false declaration of having committed an offence, unless the object of the declaration be to save a near relative. This latter offence, known as *falsa confessio*, is not punishable by some codes. As regards the former offence,

* Ex. Gr. See Stephen's Dig., Art. 394.

It was held by the Calcutta High Court that a false information, *where no person is named*, is not punishable by Sec. 182 of the Indian Penal Code. This interpretation was so diametrically opposed to the clear wording of the section, that the Indian Legislature have recently passed an Act (X of 1895) with a view to nullify it.* The man who personates another, and undergoes a sentence of imprisonment imposed on the latter, would appear not to be punishable in Italy.†

Under the head of false charges, there is a noteworthy provision, by which the punishment is reduced by two-thirds if the false informant withdraws his charge or records his fabrication of facts before the law is actually put in motion against the person falsely charged; and by one-third to one-half, if such withdrawal is made at a later date, but before the Court gives its decision. The project of the Austrian Code goes very far, and makes it an offence cognate to a false charge, not to inform an accused person of facts and proofs in his favour, of which one has knowledge.

False evidence is punishable with reclusion for one to thirty months, and temporary interdiction of public functions. The reclusion may extend to five years if the offence has been committed in order to harm an accused person. If the false evidence has brought about conviction and sentence to a punishment higher than reclusion, the period of reclusion is from ten to twenty years. False evidence is not punishable, if the witness, by speaking the truth, must have inevitably implicated himself, or have exposed a near relative to serious injury as regards his liberty or honour; or if, by reason of personal qualities declared to the judge, the deponent ought not to have been called as a witness, or ought to have been warned of his option to abstain from giving evidence. Nevertheless, the punishment is only diminished by one-half to two-thirds, if the false evidence exposes some third person to a criminal prosecution or sentence.

* Petheram, C. J., gave the ruling. It is but one of many instances in which ignorance of the country and the ways of the natives conduces to unfortunate decisions. The magistracy throughout India reported the lamentable effects the decision would have if not got rid of. In India a man often gives a false information with a view to get an enemy into trouble, or to injure some person. Common instances are making a hole in one's wall, and alleging the commission of house-breaking (to get the village watchman into trouble, or with a view to have some person's house searched by the police): information of theft with a view to defraud a creditor, &c. The police visit the village and hold an inquiry, and thus the public time is wasted, and somebody is harassed or put to inconvenience.

† Sec. 205 of the Indian Penal Code is as follows:—"Whoever falsely personates another, and in such assumed character makes any admission or statement, or confesses judgment, or causes any process to be issued, or becomes bail or security, or does any other act in any suit or criminal prosecution, is punishable with three years' imprisonment or fine."

There is a curious provision that, if the deposition is not on oath, the punishment is diminished by a sixth to a third. In India, the omission to administer an oath, whether intentional or unintentional, would not render a deposition inadmissible, nor would it prevent a conviction for giving false evidence. In Italy, the section in the Penal Code must be read with Art. 172 of the Code of Criminal Procedure, as amended by Art. 28 of the Regulating decree of the 1st December 1887, which provides that, except in certain specified cases, witnesses shall not be sworn. This appears to be a dangerous distinction, as the elucidation of the truth requires in all cases the same guarantees. The diminution of the punishment where no oath has been taken, is a sort of homage to the sanctity of the oath.

If the false statement is retracted, and the truth made known before the termination of the preliminary inquiry, there can be no prosecution; if the retractation takes place at a later date, but before the final sentence or verdict, the punishment is reduced by a third to a half. The French and Belgian Codes are silent as to retractation, but jurists appear to be agreed that false evidence should not be punished if it is retracted before the end of the trial. The punishment is always diminished if the offender be the defendant or one of his near relatives. False evidence in civil suits is punishable less heavily than false evidence in criminal prosecutions. The reader may be astonished to learn that some jurists in Italy were opposed to the punishment of perjury when committed in a civil suit only, on the ground that the offence will be punished *in foro cæli*, and that such perjury causes private injury only. This and other peculiarities cause one to think that Italian Magistrates would possibly have had more sympathy for the failings of the natives in India, where perjury is so prevalent, and so little reprobated.

The advocate who colludes with the opposite party, and thereby harms his client, is punishable with from one to thirty months' reclusion, fine, and temporary suspension from the exercise of his profession. It is also an offence to appear first for one party and then for the opposite party *in the same matter*. The words underlined are not defined. If the same matter includes cases between the same parties arising out of the same dispute or subject-matter, and this is the only reasonable interpretation, then this offence is notoriously and frequently committed by pleaders and mukhtars in India. In a confidential capacity, they get access to facts and documents, and subsequently appear for the opposite party, and make use of them.

Harbouring or subsequent assistance (*favoreggiamento*) refers

to aid rendered to the offender, and causing evidence to disappear after the completion of the offence. Near relatives of the person harboured are exempt from punishment. This exemption is very wide. The Indian Code exempts only the husband and wife; in England only the wife is exempted, in New York neither. In France and Belgium brothers and sisters are exempted, as well as the husband and wife, and other relatives in the same degree. The German Code exempts relations without defining the term; in Holland the exemption is extended to relatives in a collateral line to the second or third degree; while the Penal Code of Hungary gives a long list of exempted relatives, and includes *engaged persons*. The Louisiana Penal Code adds *domestic servants* and the Chinese Penal Code includes slaves and hired servants. Family ties are very strong among the Hindus, and the provisions of the Continental codes are more in harmony with their feelings and ideas than the severity of the English law.

Escape by violence from legal custody is punishable with from three to eighteen months' detention; but the mere act of flight or absconding is not punishable, as in India, except in one case, and that is when the offender is a convicted person employed on extra-mural labour, and escapes from the place assigned for his work. There is no positive obligation to submit oneself to punishment; but merely a negative obligation not to escape it by prohibited means. In determining the punishment to be inflicted on public officers who negligently allow prisoners to escape, the gravity of the offence (in the case of under-trial prisoners), or the nature and duration of the punishment, are taken into consideration. Art. 231 is worthy of mention. It punishes the official who, without authority, permits a prisoner to leave the prison even temporarily.* If an escaped prisoner returns of his own accord to the prison, the punishment is diminished. If the prison official who is responsible for the escape, succeeds in procuring the recapture of the prisoner within three months from the date of escape, he is exempt from punishment. This seems to be a rational provision, and such tempering of reason and mercy with justice might with advantage be imitated in India, where such offences are generally punished with Draconian severity.

Taking the law into one's own hands, what the Romans called *jus sibi propria auctoritate redditum*, is nothing but

* This reminds one of the Bengali jailor who used to let a convicted gang of dacoits out of jail on dark nights, and share the plunder obtained by their dacoities. This clever trick baffled for a long time all efforts of the Police to get a clue. The writer has been informed that in Chandernagore prisoners are allowed, on payment of a certain sum, to go home at night to see their wives! also that in some petty native States, escapes are not much objected to, as the expense of feeding the prisoners is felt as a heavy burden!

contempt and defiance of the law. A *bond fide* claim of right should not be allowed to justify the use of threats and violence. The Italian Legislator has laid it down that the proof of the existence of the claimed right will not absolve altogether from liability, but will only diminish the punishment. This is a rule that might well be followed by Indian judges, who of late years have shown an undue tendency to acquit altogether when any claim of right is put forward. A premium is thus placed on violence, and the man who breaks the law gets an undue advantage, for private justice, when substituted for social justice, will always act with more rigour, approaching even to cruelty.

The preceding provisions constitute a good introduction to the last of the offences against the administration of justice, namely, duelling, which is a usurpation of the social power. The new Code punishes not only the duel, but the challenge also, though not followed by a duel, and those who convey the challenge, unless they prevent the actual encounter. It is also made penal to insult a person, or hold him up to public contempt, because he has refused to fight. The witnesses or seconds are punishable, unless before the duel they have done all in their power to reconcile the parties. It is no offence to challenge to a duel, when the challenge is the result of a gross insult; but the acceptor is punishable, if he is to blame for the challenge. The ordinary punishment is fine, or two months' detention only; but it is enhanced if hurt or grievous hurt is caused, and the duellist may be sentenced to five years if he kills his adversary. It is significant to note that the ordinary law is applied in certain cases of aggravation, for instance, if there has been fraud or violation of the conditions in the choice of arms or the combat, or if it is agreed, or is the necessary result of the kind of duel, or of the distance fixed, that one of the duellists must be killed.

In one of the projects which preceded that of S. Zanardelli, it was proposed to organise a *jury of honour*; but it was decided not to do any thing which would tend to deprive the act of its criminal character. For similar reasons, the proposal of the Commission of the Senate to impose a lesser punishment in the case of military officers, was not accepted. Such a concession would have destroyed the juridical basis on which the law rests.

OFFENCES AGAINST THE PUBLIC ORDER. (246-255.)

These offences comprise abetment, unlawful association, incitement to civil war, and public intimidation.

It is curious that the Italian Code, in common with most other Penal Codes, only punishes a *public* instigation to commit an

offence. It is now generally admitted that *private* abetment, even though the offence abetted be not committed, ought to be punishable, as it is in England, India, Belgium, Germany and Denmark. Like the Hungarian Code (Art. 174), the Italian Code punishes the *public* justification of an act which the law makes an offence, and the excitement of hatred among different classes of society, in a manner dangerous to the public tranquillity. "Publicly" is not defined, and so wide a phrase seems to confer too much discretion on the Judiciary. Such public justification of acts constituting offences used to be punishable in France, but has not been so since the 29th July, 1881.

The simple fact of the association of five or more persons for the commission of offences is made punishable. Five is the number required to constitute an "unlawful assembly" under the Indian Penal Code.

The commission of any act with the object of exciting civil war, or causing devastation, pillage, or massacre in any part of the Kingdom, is punishable with from three to fifteen years' reclusion, and, if the object is attained, ten to eighteen years. The letting off of bombs or explosives to cause public terror or public disorder is also heavily punishable.

OFFENCES AGAINST THE PUBLIC FAITH (CREDIT.) (256-299.)

Counterfeit coin, papers of public credit, seals and stamps, forgery of public documents, false passports, certificates and declarations, and fraud generally in commerce and industry, are punishable as offences against the public faith or credit. The punishment for counterfeiting coin is diminished by a sixth to a third if the counterfeit is easily recognizable. No difference is made between counterfeiting the national coin and the coin of a foreign State.

It is worthy of note that forgery of private documents is punishable only *if use is actually made of such document*. This condition or qualification is found in the German Code (267.) Art. 225 of the Hungarian Code requires that the forgery must have been committed "with the object of using the document or causing others to use it." But it is not found in most Codes.

Art. 282 is a provision which would commend itself to the Oriental mind. It prescribes a much diminished punishment if the forgery has been committed *as a means of proving true facts*.* If the forgery is of a private document, the maximum

* The writer once had before him a case in which three names were added on the margin of a bond as witnesses, the three original witnesses having died, and the holder of the bond wishing to sue on it. It was a stupid forgery, as the bond had been registered, and it could be at once detected by reference to the records of the Registry Office. In such a case, the Indian genius would think a prosecution harsh, being unable to appreciate the element of contempt of public officers and abuse of the machinery courts of justice.

punishment is reclusion for six months. In this and other matters, Italian ideas seem to harmonise more with the Oriental character.

As regards false certificates, the offence appears to be confined (except in the case of doctors, &c.), to public officers, or others, who have the legal power of giving certificates. Both the giver and user of such certificates are punishable with fifteen days' reclusion or fine, when the certificate certifies to good conduct, poverty, or is intended to procure public employment, or some favour, or exemption from public duties, services or charges. Doctors and Surgeons are punishable for giving false certificates, intending that some authority shall believe and act on them. Sec. 197 of the Indian Penal Code punishes only false certificates which are *required by law* to be given or signed, or relate to any fact of which the certificate is by law *admissible in evidence*. Bengal now swarms with native medical practitioners of sorts, and false certificates from such men that an accused person or a witness is too ill to attend Court are frequently produced before Magistrates.* Such certificates are not punishable in India,† but would be so on the Continent. The law in Holland on the subject is very comprehensive,‡ Art. 230 punishing with a year's imprisonment any person who fabricates or falsifies a certificate of good conduct, of capacity, of poverty, or other circumstances, with intent to use it, or that it may be used in order to obtain a situation, or to excite benevolence and obtain alms.

OFFENCES AGAINST PUBLIC SECURITY. (300—330.)

Offences against Public Security include arson, inundation, and other offences causing common peril; offences against the security of the means of transport or communication; and offences against public health and food.

Arson and inundation are generally classed as offences against private property, but the Italian Code, in accordance with the opinion of Carmignani and Carrara, treats them as offences against public security; to the particular injury is,

* It is with a sort of deprecating air of hesitation, and hardly expecting to be believed, that Mukhtars hand these certificates up to an intelligent Hakim; while the Mukhtars for the opposite party express their opinion as to the value of the certificate by smiles of contempt and derisive comments such as "aj kal Doctor goli goli phirta," "now-a-days Doctors are to be found in every lane."

† Not as false certificates. But the act might come under Sec. 182, giving false information to a public servant, intending or knowing it to be likely that he will thereby cause such public servant to do or omit to do anything, which he ought not to do, or omit, if the true state of facts were known to him.

‡ Dutch P. C. 228-230.

In fact, added the general injury resulting from the alarm caused by the danger, the violation of the right of every individual to public tranquillity, and the possibility of more extensive private loss. The punishment is regulated according to the danger, the results, and the object aimed at.

Important offences relating to railways and telegraphs are incorporated in the Penal Code. All railways, worked by steam or other mechanical power, are placed on the same footing as regular railways, and telephones for any public service are assimilated to the telegraph. It is made an offence punishable with from three to thirty months' detention and fine, to *cause danger* of a railway accident by rashness, negligence, want of skill, or non-observance of rules and orders; the punishment is from two to ten years' detention, if an accident actually takes place.

As regards offences against the public health and food, the Italian legislator is especially severe against those who, by reason or want of skill in their profession or trade, or non-observance of rules and orders, spoil or adulterate food, drink or medicine, or who sell as pure alimentary substances which are not so, even though they be not deleterious to health. To produce scarcity, or a rise in the prices of food by false reports or any fraudulent means, is punished very heavily, from one to five years' reclusion, besides fine, and temporary disqualification for public functions.

OFFENCES AGAINST GOOD MORALS AND THE PEACE OF FAMILIES (331—363.)

Under the above title, the Code deals with carnal violence, the corruption of minors, and outrages against chastity, abduction, proxenetism, adultery, bigamy, fabrication (*supposizione*) and suppression of the civil state.

The Italian Code treats as carnal violence (rape) carnal intercourse with a person of either sex who is under twelve years of age, or who is under fifteen when the offender is such person's elder relative, guardian or teacher; or who is in confinement under the custody of the offender; or who, by reason of physical or mental malady, is not in a situation to resist. A special protection is thus accorded to prisoners and persons under the influence of *sonnambulism* or *hypnotism*. As regards carnal intercourse with young girls, different laws present remarkable divergencies as to age,* but the true limit should everywhere be that age at which the civil law recognizes a girl as fit for marriage: twelve years in Italy, following the Roman law.

The Italian Code is silent on the subject of unnatural offences.

* Twelve in Spain, Portugal, Holland and Sweden; thirteen in France and England, fourteen in Germany, Belgium and Hungary.

The corruption, by means of acts of indecency, of minors under sixteen years of age, is punishable with reclusion, which may extend to thirty months; if the offence is committed with fraud, or by ascendants, guardians or teachers, the period of reclusion is from one to six years. This offence is reasonably distinguished from proxenetism (the Latin *lenocinium*), which is the instigation to corruption in order to gratify the passions of others.

It is somewhat remarkable that there can be no prosecution for rape, indecent assaults, and corruption, *except on the complaint* of the person aggrieved, and the limitation is one year from the date of the offence, or the date on which it has come to the knowledge of the person who has a right to complain in lieu of the injured party. Such restrictions are to be found only in the Codes of Portugal and the Canton of Zurich, and the practical result must be to give impunity to many offences of this character. The proper authorities, however, can institute a prosecution (apart from the wish of the injured person) in three cases:—

1. When the offence has caused the death of the victim, or is accompanied by some other offence punishable with a minimum imprisonment of thirty months.
2. When it is committed in a public place or a place accessible to the public.
3. When it is committed by an abuse of the *patria potestas* or the *auctoritas tutelar*is.

Unlike the French, Belgian, Dutch and Spanish Codes, the Italian Code punishes incest; but it is necessary that it should be committed in such a manner as to cause a *public scandal*. The offence of incest is also made punishable by the Codes of Germany, Austria, Hungary, Sweden, Denmark and Zurich.

Abduction is defined as the taking away or keeping, by means of violence, threats, or fraud, a woman of full age, for the purpose of illicit intercourse or marriage. The punishment is heavier if the woman is a minor or a married woman. The Code, in common with other codes, diminishes the punishment if the abduction is for the purpose of marriage; while, in some countries, the prosecution ceases if the abductor marries the girl he has abducted. There can be no prosecution except on complaint within a year from the date of the offence.

Proxenetism is the incitement of a minor to corruption in order to gratify the passions of others. Some Codes require that the incitement should be *habitual*, others that it should be *for gain*. In Italy these are merely grounds for enhanced punishment. The Austrian Code does not require either condition if the victim is chaste, or the offenders have authority over her. This latter exception is found also in the Codes

of Germany, Spain and Holland. There can be no prosecution except on complaint as above. Conviction entails the loss of right or authority over the persons against whom the offences have been committed.

There can be no punishment for carnal violence, corruption, or abduction, if the offender marries the victim before sentence is pronounced. If marriage is contracted after conviction, the execution of the sentence at once ceases.

As regards adultery, the man as well as the woman is punishable with from three to thirty months' detention. It is an offence for the husband to keep a concubine in the family residence, *or notoriously elsewhere*, the concubine also being punishable. The Spanish Code punishes the keeping of a concubine elsewhere *with scandal*. In France, Belgium, and Portugal, the husband is only punishable if he keeps a concubine in the conjugal house. But in Austria, Germany, Hungary, Holland and Sweden, the adultery of the husband is placed on almost the same footing as that of the wife.

There can be a prosecution only on the complaint of the husband or wife, and such prosecution must include the wife's accomplice or the concubine. It must be instituted within three months from the date when husband or wife came to know of the offence. The wife cannot be punished if the husband has kept a concubine in the conjugal house within the five years previous; nor can the husband be punished if he proves that the wife has committed adultery within the said period. Forgiveness, even after conviction, puts an end to the sentence, as also the death of the husband or wife.

The offence of bigamy is committed when a person, bound by a valid marriage, contracts another, or, being free, contracts marriage with a person validly married. Thus the Code resolves, in the sense of the necessity of a previous *valid* marriage, a question which has divided legislators. Some Codes punish the act of every new marriage before the preceding one has been dissolved or declared null. Suppression or fabrication of civil status is made punishable with five to ten years' reclusion; and to enter in the Registers of civil status a child who does not exist is made punishable in the same way.

In India only the man is punishable for adultery, but not the woman. The framers of the Penal Code remark: "To make laws for punishing the inconstancy of the wife, while the law admits the privilege of the husband to fill his zenana with women, is a course which we are most reluctant to adopt." The Chinese Penal Code punishes the adulteress, and along the frontiers of the Panjab,*

* Reg. I. 1872, Sec. 8, repealed and re-enacted in the Panjab Frontier Crimes Regulation, IV of 1887, Sec. 32. See also Sec. 7 of the Sindh Frontier Regulation.

inhabited by fierce and warlike races, the legislature have had to penalise the adultery of married women. The jealousy of the East arises not from love only, but from customs, manners, and social laws, and even from religion. The happiness and security of Hindu and Mahomedan marital life would be much enhanced, and there would be fewer crimes of violence and murders owing to the "*belli teterrima causa*" if proxenetism were made a criminal offence, as it is in most Continental Codes. The provisions of the English Criminal Law Amendment Act of 1885, of course, go too far, and they could never have been passed but for the frenzy of excitement aroused by the pseudo-revelations of the *Pall Mall Gazette*. The mischief aimed at in the laws of other countries is *habitual* proxenetism, or proxenetism *for gain*. Section 334 of the French Penal Code uses the word "habitually;" the German Code (180) uses the words "habitually, or for an interested motive;" the Louisiana Code "for gain;" the Dutch Code (250) "intentionally and for the purpose of gain;" the Danish Code (1882) "for payment," and so on. This is but one instance of the importance to [lawyers and] legislators of a knowledge of the criminal laws of other countries on the same subject-matter.

OFFENCES AGAINST THE PERSON (364—401).

Homicide is causing the death of any person with the intention to kill, and is punishable with from eighteen to twenty-one years' reclusion. The punishment is augmented to from twenty-two to twenty-four years' reclusion if the offence is committed on a close relative, or a public officer by reason of his functions, or by means of any poisonous substance. In the case of certain aggravating circumstances, the punishment of *ergastolo* is applied; for instance, when the offence is committed with premeditation, or under the sole impulse of brutal wickedness, or by cruel treatment. The punishment is diminished when death is the consequence, not of the act only, but also of the concurrence of special circumstances, not known to the accused, or which have supervened in a manner independently of his will.

Infanticide is punishable with from three to twelve years' detention only when the child is killed within five days of its birth, and in order to *save the honour* * of the offender or his wife's mother, daughter, grand-daughter, adopted daughter or sister. This lenience is shewn by modern legislations, as

* *Per salvare l'onore*. Perhaps the Spanish expression is better—*per occultar su deshoura*. Several Codes inflict a lighter punishment when the child is illegitimate. Austria, 139: Germany, 217: Belgium, 396; Hungary, 284.

the offence is generally committed by the mother, on whom the civil law throws the whole burden of the birth of a child, while the seducer escapes scot free. Most codes require that the offence shall be committed "at the moment of birth, or immediately afterwards." The French Code simply speaks of "*enfant nouveau né*," while the Portuguese Code extends the time to eight days. In the case of abortion also and abandonment of children, the punishment is lessened if the offence is committed *honoris causâ*.

The provisions regarding abandonment are worthy of notice. It is an offence to abandon a child under twelve, or any person incapable of taking care of himself. Art. 389 prescribes a punishment of fine for omitting to give immediate information to the authorities if one finds a child abandoned or lost, or any person who, by reason of mental or physical malady, is incapable of taking care of himself; and the same punishment is incurred for not rendering necessary assistance, or giving immediate information, if one finds a person wounded or in danger, or a human body which seems to be lifeless, provided that no danger is incurred in giving assistance,* &c. This provision would more appropriately come under the head of contraventions. It constitutes a remarkable extension of private obligation,† but the punishment is fine only.

Whoever, by abusing the means of correction or discipline, causes hurt or danger to the health of any person subjected to his authority, or confided to his care, for the exercise of some trade or profession, is punishable with a maximum detention of eighteen months. This is an embodiment of the principle *Patria potestas in pietate debet non in atrocitate consistere*. The English Draft Code recognizes the right of correction, and Art. 313 of the Hungarian Code declares that "it is not necessary to pronounce any punishment for slight hurt caused by a person exercising the right of domestic correction."

* See Art. 450 of the Penal Code of Holland.

† It is interesting to notice in this connection Art. 484 of the Louisiana Code, which enacts that "Homicide by omission only is committed by voluntarily permitting another to do an act (*e. g.*, a blind man to walk over a precipice) that must, in the natural course of things, cause his death, without apprising him of his danger, if the act be involuntary, or endeavouring to prevent it, if it be voluntary." Art. 450 of the Dutch Penal Code is as follows: "He who, seeing another person suddenly threatened with the danger of death, omits to give or furnish him with assistance which he can give or procure without any reasonable fear of danger for himself or others, is punished, if the death of the person in distress has resulted, with detention for three months and a fine of 300 florins." In Russia surgeons, doctors, and midwives are punishable with fine, if they are sent for by a sick person and do not go; if they know that the sick person or child is in danger, they are further punishable with from seven days' to three months' imprisonment.

Verbal slander is punishable, as well as written defamation (libel). The offender is not allowed to prove the truth or notoriety of the fact imputed, except when the person defamed is a public functionary, in respect of some official act, or a prosecution in respect of the fact imputed has been commenced against him, or the complainant formally demands that the truth or falsity of the fact imputed shall be inquired into. Some Codes admit proof of the truth under certain restrictions, for instance, "for honest motives and with a just end," "in the public interest or for a necessary defence," &c. There can be no prosecution for anything spoken or written in cases before the Courts, but the Judge may order the offensive portions to be expunged, and may award pecuniary reparation to the injured party. There can be no prosecution for libel or slander except on complaint, and the limitation is one year and three months, respectively.

X.—OFFENCES AGAINST PROPERTY (402—433.)

Offences against property include theft, robbery, extortion, capture for ransom, cheating, misappropriation, receipt of stolen property, usurpation of immoveable property, and mischief.

For theft a *taking away* is necessary, as in France and Belgium; a mere touching (*contractatio*) or moving is not sufficient, as in England and India. The German Code (242) does not adopt either theory, but makes theft depend on the taking of possession (*besitzengreifung*). Theft includes the taking, by heirs or co-proprietors, of things to which the succession has not yet devolved, or which are undivided or joint. The punishment is enhanced for a number of reasons, among others, when the theft is committed from the person by skill in a public place, or when the theft is on animals or crops, which must of necessity be left in the open fields, or of things which by custom, or by their position, are entrusted to the public faith.

Hiding a person, in order to get a ransom for his release, is punishable with from five to fifteen years' reclusion. To allege facts which do not exist, and thereby, for the sake of profit, to cause a citizen to emigrate, is punishable with from one to five years' reclusion. This is a common offence in India among the lower classes of coolie recruiters, but it is seldom adequately punished.

Breach of trust can only be punished on the complaint of the person injured.

Arts. 422 and 423 seem to be peculiarly applicable to India, and if they were in force there, would put an end to much violence and rioting about land. Art. 422 makes it punishable

with thirty months' reclusion and fine to appropriate, in whole or in part, the immoveables of another, or with the object of gain to remove or alter the boundaries thereof, or, with the object of securing undue advantage, to divert public or private waters. Art. 423 enacts that whoever, with the aid of violence against the person, disturbs another's peaceable possession of immoveable property, is punishable with a year's reclusion. The punishment is enhanced when the offence is committed by several armed persons, or by more than ten persons even unarmed. These are common offences in India, but there seems to be too great a tendency to regard them as exclusively matters for the Civil Court.

The noticeable features in connection with the offence of mischief are that it relates to immoveable as well as moveable property, and that there can be no prosecution except on the complaint of the person aggrieved. There can, however, be an official prosecution when the offence is committed out of revenge against a public officer for some official act, when it is committed by violence, or in respect of public buildings, embankments or signals, irrigation canals, vines or fruit trees. In these cases the maximum punishment is three years' reclusion, whereas, for simple mischief, it is six months. It is an offence punishable with fine, and on complaint only, to enter *arbitrarily* on land in the possession of another, when such land is surrounded by a ditch, a live hedge, or a substantial barrier.

The following provisions are applicable to all the offences under this head. If the thing taken or the damage caused is *very important*, the punishment can be enhanced by one half; if it is of *little value*, the punishment can be reduced by one half; if of *very little value*, the reduction can extend to one third. But recidivists do not get the advantage of such reductions. The restitution of the thing stolen or the complete reparation of the mischief done, before the case is sent for trial does not, as in the Austrian Code, give impunity, but it gives a reduction of punishment of one-third to two-thirds; if the restitution takes place during the inquiry, but before the trial, the reduction is from one-sixth to one-third. The Code of Turin grants impunity if the restitution takes place within twenty-four hours of the commission of the offence, and before the authorities are aware of it.

With the exception of robbery, extortion, and ransom, there can be no prosecution for the above offences, when the person harmed is the husband, or wife, not legally separated, the father, the mother, a relation in the direct line of ascent or descent, the adoptive father, mother, or child, the brother or sister living jointly with the offender. If the relative be husband or wife legally separated, brother or sister not living jointly with

the offender, uncle, aunt, nephew or niece, or any relative of the second degree living with the offender, there can be a prosecution, but only on complaint, and the punishment is diminished by a third. This is another instance of the desire to respect and maintain the family spirit and sentiment, and some analogous provision would not be unsuitable to India.*

BOOK III.

THE DIFFERENT KINDS OF CONTRAVENTIONS.

Contraventions are classified under the four heads of public order, public security, public morality, and the public protection of property. Those connected with the *public order* deal with refusal to obey authority, omission to report, coin, printing and the sale of printed books, public performances and agencies, mendicity, disturbance of public or private tranquillity, and abuse of public credulity.

It is a contravention, punishable with fine, to refuse without just cause, to give assistance† on the occasion of a disturbance, a calamity, or flagrant offence, or even to refuse to furnish information demanded by a public officer in the exercise of his functions. This provision carries private obligations somewhat far. There is an even more onerous obligation imposed on doctors, surgeons, midwives and health officers, to inform judicial authority or the officers of public security, when they have given the assistance of their profession in cases *which seem to show that an offence against the person has been committed*.

It is forbidden to give any show or performance in a public place without authority, or to open any public agency, or to lodge any person without keeping the prescribed registers, or to beg when one is fit to work, or to disturb the occupations or the repose of citizens by noise, by the *abuse of bells* or other instruments, or even by the exercise of noisy trades.

Contraventions connected with *public security* include contraventions relating to arms and explosive substances, the omission to repair buildings, throwing or leaving dangerous things in public places, the custody of lunatics, negligence in respect of savage animals, and generally negligence causing danger. It is worthy of note that if a building falls owing to the negli-

* Not only is no private complaint necessary in India, but the offences of theft, cheating, criminal breach of trust are *not compoundable*. The Magistrate may certainly permit the prosecutor not to offer evidence, but this is an awkward *and illegal* way of surmounting the difficulty, for it is virtually a composition, and the composition of non-compoundable offences is forbidden by law (Sec. 345 C. P. C.)

† The French law uses the words "being able to render assistance ;" the German Code, which is more precise, adds the words "without exposing themselves to serious danger."

gence of the architect or builder, he is liable to fine, and may be suspended from the exercise of his trade or profession.

Contraventions relating to *public morality* include gambling in places open to the public, drunkenness, acts contrary to public decency, and cruelty towards animals. The Code does not only punish the keeper of the gambling-house, but makes liable to fine any person who is found gambling in a place open to the public. Games of hazard are defined as those in which the gain or loss depends *entirely*, or *almost entirely*, on chance.

Drunkenness, merely as a vice, is not punishable, but only when it offends public morality ; that is to say, when a person is "found in a public place in a state of drunkenness which is manifest, or causes annoyance or disgust."* The French law requires that the drunkenness should be "manifest" ; the Hungarian law that it should be "scandalous" ; the Dutch law that it should be "evident" ; the Swedish law that it should be "such as can be clearly seen from the behaviour of the accused or the confusion of his ideas."

By Art. 490 *any act* done in public which offends public decency, is punishable. Art. 491, dealing with cruelty towards animals includes subjecting them to "fatigue manifestly excessive." It also makes punishable those who, even with an exclusively scientific or didactic object, but outside the places set apart for teaching, subject animals to experiments which cause them pain. In this matter legislators have considered it necessary to act on the maxim "*Sævitia in bruta est tirocinium crudelitatis in homines.*"

Under the head of the *public protection of property*, the Code deals with the possession, not justified, of objects of value, omission to take precautions in the operations of commerce, the illicit sale of keys and locks and illicit opening of bolts, and the keeping of weights and measures different from those established by law. Any person who, having been convicted of these or other cognate offence, is found in possession of articles not corresponding to his condition in life, and which he cannot show that he has lawfully come by, is punishable with two months' simple imprisonment.† There is a similar pro-

* Sec. 510 of the Indian Penal Code is as follows :—"Whoever, in a state of intoxication, appears in any public place, or in any place which it is a trespass in him to enter, and there conducts himself in such a manner as to cause annoyance to any person, is punishable with twenty-four hours' simple imprisonment, or with fine up to ten rupees, or with both."

† This would be a most suitable provision for India, where there are regular thieving castes. These men are often found in possession of articles which are only to be found in the houses of rich men, but there can be no conviction for receiving stolen property unless the owner is known.

vision relating to the receivers of such articles. It is an offence to make keys or locks, unless the maker has satisfied himself that the place or the object belongs to the person giving the order.

In conclusion, if the codification of the English criminal law is to be undertaken during the present Parliament, it seems to the writer that many useful hints can be taken from the Penal Code of Italy. Statesmen and legislators should pick the brains of the best jurists of other countries, and extract from their Codes whatever they consider suitable for England and the English people.

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ART. VI.—ASSAMESE AND BENGALI.

WHEN Assam had not yet given a name to a Province, and, once a kingdom, was now only a Commissioner's division, when Sir George Campbell contentedly ruled an even huger Bengal than the Bengal of to-day, and had not found in the Assam Bengal Railway an excuse for getting rid of some of his millions of subjects, the question was raised whether Bengali text-books or Assamese text-books should be used in the primary schools of the Assam Valley. It is not a matter for much surprise that Sir George decided against the local speech. To him a speech which was the vernacular of considerably less than a couple of millions of people, must have seemed a dialect as unimportant, as little likely to attain to a separate literary existence, as the rustic idioms of Sylhet or Chittagong, or, for that matter, of his own native Highlands. The only argument which was then adduced in favour of the recognition of Assamese as a separate speech was that, though the vocabulary resembled that of Bengali, the language was a written language, and possessed a spelling, a literature, and, it was said, an inflexion and grammar of its own. To a Scotchman, keenly conscious of the advantage Scotchmen enjoy in sharing the language and government of their southern neighbours, the claim put forward on behalf of Assamese for separate recognition must have seemed to be largely sentimental and to be opposed to the true interests of Assam.

But when the Chief Commissionership of Assam was carved out of Eastern Bengal, the two millions or so of Assamese-speaking people formed part of a Province in which only about two millions spoke Bengali. Moreover, officers, who were themselves Assamese, or who were more or less versed in the local speech, found a readier hearing in Shillong than in Calcutta. Possibly, too, the Sibsagar missionaries, who were the first to print the Assamese speech, obtained a readier hearing. They had published a remarkable magazine, the now defunct *Arunoday*, illustrated with cuts copied roughly from the wood engravings of the *Illustrated London News* in days when process photographs were not thought of. They had printed some of the quaint Buranjis, the indigenous chronicles of the old Rajahs, medleys of history, fable and genealogy. And they taught Assamese as a living and a written language, learned by them at first hand, and without so much as a suspicion that it might only be a dialect and overflow into savage places of the tongue of the adjacent districts of Bengal.

By the time the Census Report of 1881 came to be written, the separate existence of Assamese had come to be an officially recognised fact. A Text Book Society had come into being, and held its meetings at Nowgong, as much a centre of the accepted speech of Assam as Nuddea is of typical and correct Bengali. The arguments in favour of the change of view were tersely stated in the Census Report, in a passage which deserves to be quoted as a whole. If it piles Pelion upon Ossa in the matter of proofs, that does not necessarily imply a sense of weakness in dialectic. To quote it in support of the arguments which follow, is to do justice to a desire to find reasons for a decision perhaps only intuitively correct. The object of this article is to support the decision by arguments based upon a wider experience of the other, the truly indigenous, languages of Assam, than was possible in 1881.

The passage runs as follows :—

“ Between Bengali and Assamese there has been raged a battle of the dialects, to which some interest attaches, and which has not altogether been composed to rest. A few years ago it was the fashion for Government officials to assert that Assamese was only a corrupt and vulgar dialect of Bengali, a patois, bearing to it the same relation which Yorkshire bears to literary English, and that it ought in no way to be encouraged, but to be crushed out as quickly as possible by using Bengali as the official tongue and teaching it in schools. This view was earnestly opposed by those educated Assamese who cherished a feeling of patriotic pride in their country, and who claimed for their speech the position of a distinct dialect and a literary tongue. They were warmly supported by the American Missionaries settled at Sibsagar, who were the first to print educational works in Assamese, and in the end they won the day. Assamese is recognised as a separate tongue, and is taught in all primary schools in the Brahmaputra valley, while instruction is conveyed only through the medium of Bengali in the middle schools in the default of a complete set of educational works in the Assamese language. The real position of the facts in this controversy appears to be as follows :—All over the Bengali speaking area, there is much fluctuation and variation of idiom : the vernacular dialect of Western Bengal differs strongly from that of Central Bengal, and still more strongly from that of Eastern Bengal; but the language which in its fixed and literary form is called Bengali is a special dialect (that of Nuddea) which has been selected and cultivated as the standard speech, and which differs in some degree, greater or less, from every vernacular dialect. The gradations in the popular utterance from west to east are insensible, but on reaching the eastern extremity of the Bengali area, the Brahmaputra valley, these insensible variations are found to have become so great that the speech of the West is hardly understood in the East. Assamese is, properly speaking, only one of many dialects, springing probably from one central origin, the majority of which dialects are ordinarily grouped under the name of Bengali, but it has received a literary form under the Assam Kings (for indigenous Assamese literature in the shape of Buranjis, *kirtans* and translations of Sanskrit religious poems, is far from inconsiderable), and this has tended to stereotype its dialectical peculiarities, and it stands in undeniable opposition to literary Bengali. Probably the vernacular of Sylhet and, still more so, that of Cachar,

would appear to the speaker of Western Bengali equally foreign and difficult with that of Nowgong and Sibsagar ; and, had Sylhet ever acquired a literature, we might have been entitled to speak of the vernacular of that district as a distinct tongue, as we do of Assamese ; but it has no literature of its own. Its literary standard is that of Nuddea, and thereby its distinctiveness is lost. Assamese differs materially from Bengali in grammatical forms : its plural is formed in a different way from the Bengali plural : the feminine gender is shown in a different way : there is much difference in the conjugation of verbs, especially in the present and future tenses ; and it differs also in idiom, in the syntax and collocation of words. There is also an important difference in its vocabulary : it has an infusion of non-Aryan words, picked up from various tribes who have been welded together into the population of Assam, and it retains a considerable proportion of Prakritic words, for which Bengali has substituted Sanscritic words. There is a further difference of pronunciation, which more than any thing else tends to make interchange of the ideas difficult between a speaker and Assamese, *viz.*, the change of the letters sh and s to h, and of chh and ch to s."

A fairer statement of the case could not be wished for. Put briefly, Assamese differs from Bengali in having a separate literature, spelling, vocabulary, syntax, inflexion and pronunciation. A difference of pronunciation, of inflexion, of vocabulary, it shares with other speeches which are admitted to be local dialects of Bengali, and these proofs can only claim probative force as enforcing more cogent arguments. Pronunciation, by itself, is one of the commonest characteristics of a dialect, though it may, under given circumstances, be a clue to the speech of a merged race ; so also with inflexion. Of the vocabulary of Assamese, it is admitted that its peculiarities are borrowed. Literature and spelling, it is admitted, might, under conceivable circumstances, have arisen in Sylhet, and, much more probably, under the native rulers of Cachar, and, it might be added, of Jaintia. But it may be possible to show that the syntax, the ideology, of Assamese furnish good reasons for believing that the mainly Aryan speech of Assam is radically different from that of Bengal. That the difference exists, has been repeatedly acknowledged. Professor Max Müller says that "it matters not how many words may be derived in common from another language, it does not prove the identity of any two dialects. It is to the grammar that we must look, to decide their identity," and Mr. Cust writes of Assamese that "it is laden with Sanscrit loan-words : but the grammar of the Assamese is quite different from Bengali, as far apart as Italian and French from each other." It will be seen that the authorities strongly support the separate existence of Assamese as a language. Yet the controversy still rages. In the number of the *Navya-Bhārat* for Kartik, 1302, Baboo Kāli Gopal Rudra has an article, the object of which is to prove that the claims of Assamese to be a separate language are mainly

supported by interested officials and missionaries. It has already been shown that the official view of the matter has swayed to both sides, and has only recently supported the patriotism of local *pandits*. The Missionaries have merely reflected the opinions of the people among whom they have laboured, and it is difficult to see what interest they had to serve. If Bengali were one with Assamese, so much trouble saved surely in translating the Christian scriptures into one more foreign tongue. But these are mere incidents of controversy. Babu Káli Gopal Rudra does show, what may easily be admitted, that Assamese, in many respects, closely resembles Bengali. The vocabulary of both has a common Prakrit origin, and the older literature of both, especially that of the early Vishnuvite poets and translators, has a common vocabulary, which may easily be accounted for by the common possession of borrowed religious ideas. It were as easy, and as profitable, to trace the resemblance between the *Langue d'Oc* and the Italian of Northern Italy. But that there is a subtle difference is admitted on all hands, and the only difficulty is to fix and gauge this difference, and to decide whether it is so great as to form the greater gulf which separates language from language, and not merely the smaller interval which separates dialect from dialect. Literature is important as serving to fix and emphasise the difference; but in itself it cannot constitute a separate speech. There are some (Southerners it is true) who at this day regret that Burns did not write in the accepted literary speech, and Mr. Swinburne has given some force to this regret, in a recent number of the *Nineteenth Century*, by showing how deftly Burns' most characteristic metre can be used as a vehicle for sonorous English words. Not in written prose or verse lies the difference; and Italian differs from French not because each race has its own literature. Rather it is because each race has moulded the common vocabulary to a different syntax and to a different inflexion. This article is intended to show why and how Assamese differs from Bengali in syntax and pronunciation, and to suggest a historical reason for continuing to regard it as a separate language. It will endeavour to show that Assamese, and the Bodo speech, as spoken side by side with Assamese, in the districts of lower and central Assam, represent, between them, the vanished language of the great Koch race, who once ruled in Assam and Northern Bengal, and still exist as a separate, if very mixed, Hindu caste in those regions. This hypothesis, for it can claim no higher order of proof than belongs to a working hypothesis, will be based upon the demonstrable fact that, while the vocabulary of modern Assamese is similar to that of Bengal, its syntax and

ideology are curiously and significantly similar to the syntax and grammatical structure generally of the Bodo tongue, as spoken in the districts where the Koches formerly held sway.

Before demonstrating this fact, it will be best to dispose of a comparatively unimportant side issue. The bulk of the people who still use the Bodo speech in lower and central Assam are known to their Hindu neighbours as Kacharis, or, more correctly, as Kocháris. Some families of the race are known as Hajong, or Lalong, or Mech, or Jharua. But most, even of these, will admit that they speak the speech of the Kocháris. They describe themselves as Bodo-fisá (or Boro-fisá, "sons of Bodo"), and this circumstance led Mr. Brian-Hodgson to describe the whole group of tongues using a Kochári vocabulary as the Bodo group. But in common speech, nearly 300,000 of them, in spite of the growing tendency to become Hindu and Assamese, are still known as Kochári. Now the termination *ári* is a well-known patronymic among the Bodo clans. Bág-ári are the sons of the tiger, who have the striped beast for their tribal totem. And there are many others. May it not be that the Koch-ári are the sons of the Koch? It is true that Kochári kings once ruled in Cachar (though also in other places), and that in the hills between the Jaintia and Naga hills, known to British rule as the North Cachar hills, there are still a few men known to their Hindu neighbours as Cacharis. But it does not necessarily follow (though, if we were dealing with an Aryan name, the termination in *i* would suggest a derivation from a place name) that the Cacharis were called after Cachar. Cachar was under the domination of Cachari rulers, it is true. But it was so named by Hindus who were not Cacharis, and they may have followed some such impulse as drives English newspaper correspondents to write of the fighting in Afghan or in "Lushai," the abbreviating instinct which men ingenuously show in dealing with the meaningless syllables of a foreign tongue. It cannot be proved, it is even very unlikely, that the Bodo speaking people of Goalpara and Kamrup and Darrang are called Kocháris because rulers of their race once possessed what we now call Kachar. It is at least possible that the Kocháris are the sons of the vanished race of the Koches.

That is conjecture merely, however, and derives its interest only in being rendered a more plausible conjecture by the indisputable fact that the syntax and grammar of Assamese is practically the same as that of Kochári, as it is spoken in the plains of Assam. The Assamese vocabulary is almost purely Aryan; the Kochári vocabulary is almost purely Bodo. But you may take an Assamese sentence, and, without altering the order of the words a whit, you can

substitute the widely different Bodo words, and the result will usually be an idiomatic Kochárl sentence. The experiment can hardly be made here, seeing that the reader who does not know both languages, must take the result for granted. But it is possible to show to him who runs and reads, that the very idioms which constitute the most important differences between Assamese and Bengali, are to be found in the Bodo speech, expressed, it is true, in non-Aryan vocables, but all the more interesting in their identity when the veil of vocabulary is stripped of them. That the animistic creed of the Kochárls and their interesting language are older than the Hinduism and Aryan speech of the Assam valley, is incontestable. That men exchange the one for the other, is, even in these modern days, a matter of common observation. Most male Kochárls are bilingual, and talk a rough dialect of Assamese in addition to Bodo. The characteristic differences of Assamese pronunciation, as indicated in the extract from the Census Report above quoted, are very marked in the Assamese talk of Kochárls. They have the same difficulty as Englishmen have in distinguishing between dental and palatal sounds. S. and sh tend to become gutturally aspirate; ch and chh soften themselves into sibilation. Their women (the sex is always conservative) commonly refuse to talk Assamese; and, when a Kochárl turns Hindu, he commonly marries into a Koch family talking Assamese. There is a Kochárl anecdote which illustrates the inconvenience of this state of social progress. A Kochárl youth turned Hindu and married into an Assamese family. He visited his mother-in-law, who set food before him and hospitably cried, *Khá khá*. But as the word *khá* in the Bodo speech signifies *bind*, he bound her hand and foot. Seeing that he had misunderstood her, she then said, in Bodo, *Já, já*; on which he went away. Such are the difficulties of a duplex vocabulary. But, in both cases, the root form of the verb was used as an imperative, as is so commonly the case.

But there are coincidences of idiom much more striking than this concealed by the double vocabulary. Where the Bengali is content to say *ámár pitá*, my father, *tomár pitá*, thy father, *táhar pitá*, his father, the Assamese has a curious distributive form. He says, *mor bápáy*, my father, but *tor báper*, thy father, and *tár bápek*, his father. This curious idiom is undoubtedly borrowed from the Bodo speech. The Kochárl says *áng-ní áfá*, my father, *nang-ní namfá*, thy father, *be-ní bífá*, his father. It will be seen that this curious idiom is not so much borrowed as imitated through some trick of logical habit.

One of the most interesting idioms of the Bodo speech, as spoken in the plains of Assam, is what the Rev. Mr. Endle

in his Kachari grammar calls the "agglunative verb," finding in it, plausibly enough, a survival of the agglutinative habit, which, as is well known, survives even in our intensely symbolic speech. Whatever its origin, the idiom is easily described. It is a device which largely takes the place of adjectives and adverbs in more highly organised languages. The meaning of a verb is modified by inserting particles which have no separate existence between the root and the inflectional ending of a verb. Thus, *Tháng-bai* means "went," *Tháng-a-bai* means "did not go." *Tháng-thro-bai* means "went quite away." *Tháng-thí-bai* means "pretended to go." *Tháng-sǔ-bai* means "went vigorously." And, in animated narration, as many as five or six of these particles may be crowded into the midst of a verb with admirably picturesque force. Such an idiom as this could hardly be copied directly into a speech so Hinduised, so Aryanised, as Assamese. But it has a distinct effect upon modern Assamese idiom. *Kithá-man*, in Bodo, means "spoke." *Kithá-hǔi-man* means "spoke from a distance." Something of the same effect seems to survive in the Assamese *gai-pelay kalon*. Other instances might be adduced, but that they would hardly interest the general reader.

Another idiom common to both languages (though not unknown to some dialects of Bengali) is the curious passive participle. Sir James Johnstone in his Autobiography, says that he was known in Sibsagar as the *báge-khudá saheb*, "the Sahib who was eaten by a tiger." Both in Assamese and in Kochári the relative pronoun *jí*, is now used. But it is evidently borrowed from the Bengali *jé*, and, even now, is less common than the indigenous participle which takes its place in most of the native speeches of Assam. That it survives in Bengali also, is interesting. But there it is rare and vulgar, and provincial. In Assamese and Kochári it is far more common, far more idiomatic and vigorous than the weak symbolism of the relative pronoun.

Both in Assamese and in Kochári the use of this participle is very marked and very characteristic. The oblique oration of classical grammarians is very rare. The direct oration linked to the following sentence by a participle is the common artifice of speech. This is an idiom which it is difficult to reproduce. But where an Englishman, or a Bengali, would say something like this: "Ram said he was going for a walk and Shyam said he would go with him," a Kochári would say, "Ram 'I am going for a walk' saying, Shyam 'I am going with you,' saying," &c., &c., through a long chain of direct orations linked by participles. Traces of this participial usage still exist even in literary Assamese, even in the works

of religious men who borrowed their religion and their religious phraseology from Bengali.

The inflection of the nominative case, again, though not unknown in rustic Bengali, is a much more marked and common feature of Assamese and Kochári. Again, the Assamese comparative is pure Bodo. "Nandi is a better scholar than I," is, in Assamese, "*Nandiye*" (mark the inflection of the nominative) *mot-kai beshi pare*. In the Bodo speech this becomes *Nandi-á áng-nukhrí súlŭng-si-nŭ*. In the Assamese sentence the words are Bengali words, in the Bodo sentence the only Bengali word is the Hindu name. But in both the idiom is Bodo, and differs from the Bengali idiom. Again, Assamese has a very curious subjunctive form, peculiar to itself, the use of the enclitic *heten* both in the subjunctive mood and in the accompanying indicative. This seems no longer to exist in the parallel Bodo speech, and may possibly be a survival of an ancient idiom which has slipped out of the more primitive form of the Koch speech. For if Kochári be a survival of the old Koch language, it is assuredly not a survival of the tongue of the old Koch kings and nobles, who became Hinduised and rapidly assimilated the language of their Hindoo neighbours. It has survived as Saxon survives in the dialects of rural England. Assamese is probably at the same stage of development as the English of the Transition period of Saxon and Norman, when the Saxon speech was still spoken in vulgar purity by common people. But it has gone further in its wholesale borrowing of foreign, of Prakrit words.

To foreigners, and, surely, still more to Hindus, the interesting fact about the development of Assamese is that Assamese (as was perhaps the case with Bengali in far earlier days) is demonstrably a product of Hinduism. It is more than probable that the Koches of Assam spoke their national language so long as they preserved their national animistic creed. If it be asked what proof there is of this, the answer is that the Kocharis do so to this day. It is true that many Kocharis, who eat pig and drink rice-beer, and acknowledge the leadership in religious matters of no Goshain, and are therefore not Hindu, do speak Assamese. But they speak it as a second language, to use the phrase consecrated by Calcutta Examinations, and their wives do not speak it at all. It is only when a Kochari drops his heathen diet, that he also abjures his heathen dialect, and becomes a respected and respectable Koch, an accepted Vishnuvite, though his practice of the tenets of the new faith be sometimes weak-kneed and wandering. It is as if the European nations, in adopting Christianity, had borrowed the vocabulary of the Greek Testament, while retaining their primitive ideologies and grammar. It is probably some such

influence which, in the origin, differentiates the living Aryan speeches of Hindu Northern India from one another. But Assamese is not only a more recent and authentic instance of the tendency, it is one affected by fewer disturbing influences. The Assam Valley alone, among the tracts where Hindoo tribes speak a tongue derived from the Prakrit, has never come under the influence of Islam. The Bengali spoken by Hindus, even in Eastern Bengal, where Musalmans largely preponderate, was a wonderfully pure Prakrit vocabulary. But, in spite of the sanskritising tendency of modern Bengali culture, terms of law and trade and merchandise are largely Persian in origin. There is no such irruption of Islamic phrases into the Assamese speech, except, strangely enough, as a consequence of British rule. In Assam we have a pure, a recent, and a still surviving and progressing instance of the absorption of animistic creeds into the religious system of Hinduism, attended by a simultaneous change of language. Bengal Proper has long progressed past that stage. In Bengal, as in Western India, a man must be born a Hindu to be a Hindu at all, and must speak the language of the Hindus of his race. In Assam a man may be born into an animistic creed, and a non-Aryan speech. He may come under the proselytising influences of the easy-going Hinduism of his province, and may change his religion, his diet, and his language.

There is an authentic instance of a man who was born a Kochari, and prattled in the Kochari speech in the happy boyhood of a Kochari cowherd, in the grass-covered plains which lie beneath the massive mountain ranges of Bhutan. He learned Assamese and a little English in a Mission School, and became a Christian. His learning secured him Government employment, and sufficient wages to justify him, according to Kochari notions, in marrying a second wife. The result was that, according to missionary ideas of morality, he was ejected from the Christian communion. But by this time he had become too civilised to care to return to the pork and beer, the crude superstitions and the frequent drinking bouts of his father's faith. By slow degrees, and as a reward for adopting Hindu fashions of dress, behaviour and diet, he became a Koch. His children will be accepted as legitimate Hindus, if not of a very high caste, and will speak Assamese.

It is these things, and things like these, that really differentiate Assamese from Bengali. Bengali has attained to the status of an old Hindu speech. It is spoken, indeed, by more Musalmans than Hindus, but the literary standard of Bengali, the pure Nuddea speech, is a purely Hindu speech. If Bengali has been brought up to the requirements of modern culture and science ; if it possesses novels, plays and poems as expressive,

as many sided, as their European models ; if Huxley's essays and the Descent of Man can be rendered into adequate Bengali, that is the work of educated Hindoos who have boldly and with remarkable success used the great treasure-house of Sanskrit nomenclature in expressing European culture and European science in an Eastern dress. One of the great stumbling blocks in the way of the progress of the Musalmans of Bengal is, that they neglect equally English and Sanskrit learning. The Hindus of Bengal have already welded into their language the combined products of Sanskrit and European culture, and promise, in due time, to produce the most flexible and polished speech of modern India. It may be said that this is true only of literary Bengali, and that rural dialects do not greatly differ from the rural speech of Assam. But both literary and rustic Bengali are the speech of a race which has forgotten the primitive language of non-Aryan forefathers, a race which begins to doubt whether there ever was a time when Bengal was not Hindu.

The speech of Assam is that of a race which is still largely bilingual, and still professes animistic creeds side by side with a Hinduism which is still proselytising, and the results of this social and religious and lingual state are still reflected in modern Assamese. It resembles Bengali; it is true, and, in its vocabulary, resembles Bengali more closely than some of the accepted dialects. But its structure is, as might be assumed from its history, largely that of non-Hindu dialects. It may be that similar causes gave rise to the recognised dialects of Bengali. If it be so, the non-Aryan strain is too distant to be satisfactorily identified except in the ethnical relations of the people who speak such dialects. Anthropometrical enquiries may lead us to conjecture that people who speak rustic fashions of Bengali derived their idioms as well as the shape of their heads and of their chins from non-Aryan and non-Hindu ancestors. In such cases we cannot hope to attain to more than a high degree of probability. But in Assam, the process is going on before our eyes, and Assamese is largely the language of newly converted Hindus. It is of course also spoken by Brahmins and Ganaks and Katakis, whose claims to a western origin are as gravely advanced, and are probably as incontestable, as those of Bengali Brahmins and Acharjyas and Kayesthas. But the bulk of the race are but recent converts to Hinduism, and their speech differs from Bengali in possessing a marked and easily recognisable non-Aryan element.

In time, no doubt, the language of Assam will become assimilated to that of Bengal, and its literature will accept the culture of Calcutta. But, from a Hindu point of view, it is hardly to be desired that this probably inevitable result should be attained until Assam has become thoroughly

Hinduised. The acceptance of Bengali culture and Bengali views of life would involve the introduction of the stereotyped Hindu system of Bengal, which admits no converts. It has been shown how Kocharis and other races (such as the Ahoms and Chutiyas) are adopted, by a sort of legal fiction, into Hinduism. But there are whole races, not yet Hinduised, who must apparently come into the Hindu fold. One such is the great race of the Dafflas. It is not known to the writer that a single member of this tribe professes himself to be a Hindu. But it is well-known that this race, owing apparently to their national habit of wearing a top-knot and to their characteristic dress, are known to their Hindu neighbours (though they themselves deny the imputation) to be Siva-bansha, of the race of Siva. On the scattered blocks of carved granite which lie about the pretty station of Tezpur and are known to Hindus as the ruins of the palace of the mythological princess Usha, whose history is one of the most romantic episodes in Hindu legend, are mystic characters which no man can now read. It is a common Hindu belief that these characters are "Daffla writing," though the Dafflas, like most Assam aborigines, know not the use of pen and ink. Under existing conditions, the time is nearly ripe for Dafflas to abandon savage habits of eating and drinking and marriage, and to be adopted into the Hindu hierarchy.

Many other tribes show a strong tendency towards Hinduism. The Cossyabs of Shillong are now largely Christian, but commonly use Hindu names for their children, the names of Hindu gods and goddesses. So also with the Garos, and Miris and other tribes. On the other hand, an instance of the retarding effect of Bengali Hinduism is afforded by the Tipperahs, who only come into contact with Hinduism as practised by Bengalis. The Maharaja of Hill Tipperah himself has found that his desire to be enrolled in Hinduism is contested by his own Bengali dependants; and, as for his humbler subjects, they are probably destined to follow the example of the Mags of Chittagong, and to adopt Buddhism. Perhaps that is a better way, morally and socially; but it is a way which leads to distance and severance. If Assam is to become Bengali, and the tendency may be assisted by the mere administrative change now proposed, of putting more Bengalis under the Chief Commissioner of the province, now known as Assam, it can hardly be doubted that the Hinduism of Assam will become as stereotyped, as inflexible, as the Hinduism of Bengal. The social and religious customs of the Assamese, and especially their habit of adopting non-Aryan tribes into their community, are widely different from the customs of Bengal. Their language reflects and emphasises this difference, and

makes for the proselytising of savage tribes to Hinduism. It is the language of a race which grows not only by births, but by adoption.

From this point of view, it is not a little surprising to find Missionaries and officials charged with propping up the claims of Assamese as a separate language. As a matter of fact and history, the officials of Assam at first rejected, and then, on further enquiry, accepted, the claims of Assamese to exist apart from Bengali. In allowing Assamese to be taught in village schools, they undoubtedly followed, and still follow, the wishes of Assamese parents. The Missionaries were moved by an even more generous impulse. For the most part they are men who have spent their lives among the Assamese, men who had learned the language and customs of the people, as few officials can hope to learn them: men who know Bengali, if at all, only in the Bengali Bible, which has served them as an aid and example in their own translations into Assamese of the Holy Book. In claiming for Assamese an independent origin and an individual existence, they have been guided partly by the prepossessions of their Assamese friends, partly by the difficulties they have experienced in translating their scriptures into Assamese. The vocabulary of the Bengali Bible has undoubtedly assisted them; the syntax, and grammar has been as great a difficulty to them, as it must be to any one who translates out of Bengali into Assamese. It is only prejudice or ignorance which can impute interested motives to either officials or Missionaries. If interest there were, it would assuredly be in the opposite direction. It is to the interest of officials that the scanty population which still speaks Assamese, should coalesce with the orderly millions of Bengal, and especially with the people of the eastern districts which have been and are now about to be included in what is, for administrative purposes, called Assam. Officials have assuredly no quarrel with the people of Goalpara because they persist in speaking much the same Bengali idiom as the rustics of adjacent Rungpore, or with the people of Sylhet and Cachar because their Bengali speech is much the same as that of the adjoining districts of Mymensingh and Tipperah. On the contrary, it was long before they could be brought to believe that the Assamese tongue was not a mere dialect of Bengali.

As for the Missionaries, their work of evangelisation is hindered, and may even in the long run prove nugatory, because they essay to convert to their faith wild tribes who, if they were on the border of Bengal, would be left free to accept the Christian faith. The Assamese language is the language of a Hindu race whose Hinduism has not yet become fixed and conservative by contact with Islam. Just as the Assamese,

while using the words of Hindu India, arrange them in the easy and expressive grammar of primitive non-Aryan folk, so, in their social as in the linguistic habits, they are still at a plastic stage of culture, and can still accept converts from animistic creeds, even when these converts come to them through Christianity. The result is that, while the Census of Bengal shows a Hindu population decreasing in numbers and being daily encroached upon by growing millions of Mussalmans, in Assam the number of Hindus grows apace, and will, if existing conditions prevail, grow even more rapidly in the near future, when the opening up of Assam by railways and trade, and the influx of foreigners shall make the aboriginal tribes ashamed of their simple savage habits of life and belief.

The Assamese language typifies the processes by which the wild tribes of the frontier are being admitted to the tolerant Hinduism of the province. Modern Bengali has become a highly sanscritised speech, and the Hinduism of Bengal, owing largely, no doubt, to the presence of a numerically large Mussalman element, is stereotyped and admits no converts from without. Assamese, though it has its literary history and ambitions, is still a speech capable of much development, and still replete with interesting aboriginal elements. Not otherwise is it with the Hinduism of Assam. It has received into its tolerant fold races who, even now, are considered incapable of exercising the full privileges of Hindu society. The Doms of Assam, not by any means to be confounded with castes of similar name in India proper, practise Hindu worship, and reverence Hindoo gods. But in their long thatched places of worship are no idols, and where the idol would be in a Bengali temple, is usually a copy of a Hindu *Shastra*. If they are asked whether they are Hindus, they will humbly reply that they are not Hindus, but Doms. They cannot even get married according to Hindu ceremonies, and their habit of cohabiting without public rites has caused difficulties to the courts of Assam in cases of succession. Take again the Ahoms, a higher caste, and usually accepted as a true Hindu caste. With them the form of marriage is usually that of the Ahom race before it became a Hindu caste, the *jhapa ghurna*, the "going round baskets," or other such primitive forms. Even among the highest castes of Assam, the Brahmins and Kakatis, who claim a Western origin, and are orthodox, even beyond Bengali ideals, in other respects, the form of marriage differs widely from the Bengal usage. There is no infant marriage, but, instead, a long series of betrothal ceremonies resulting in a marriage of youth and maid, which recalls early Aryan days. It is possible to imagine that the social system of Assam is much what that of Bengal

might have been had it not been cramped and confined by the influence of Mahomedanism. The *Zenana*, the childwife, are unknown. Assamese women go about the streets of Assamese villages in unveiled freedom, as they did in India in the days when the only religions were Hindoo or Buddhistic. Nowhere is this more noticeable than in Manipur and in the districts to which Manipuris had emigrated. It is well known that the Manipuris, like most people of further India, leave most of the business of the market to their women, and it is significant that the Hindus of Manipur not only did not come into contact with Mussalmans until they migrated, in British times, into Sylhet and Cachar, but had preserved their own non-Aryan speech. The time may come when, like the Assamese, they may adopt an Aryan vocabulary. But it seems probable that their social habits may, even then, find an echo in a marked idiom of their own, and that Manipuri, even then, will still be Manipuri and not Bengali. At present, their speech, though it is written in Bengali characters, is at least as different from Bengali as is Naga or Thibetan, though the majority of the race are Vishnuvites of a very dogmatic type, and not only call themselves, but are accepted by orthodox Bengali Hindus as, the descendants of the Ulysses of the Hindu Odyssey, of Arjun who went to "Manipur" and married Chitrangada. In this case the difference of language, a difference far greater than exists between any two languages of Europe; in the case of the Assamese the difference of idiom, coincide with and reflect, a condition of Hinduism which Bengal has long lost, a state of things which involves a growing and a proselytising Hinduism.

In Bengal, the same tendency, if it exists at all, is perhaps shown in the birth of the Brahmo Somaj, which resists the tyranny of the *Zenana* and of infant marriage, a tyranny born of the struggle with Mahomedanism. But even the Brahmo-Somaj, with all its liberality of view and all its eclecticism of creed, is essentially stereotyped in this, that, in practice if not in theory, it admits to its worship only born Hindus. Among the Assamese, the Somaj has few, if any, adherents. With them, it satisfies no wants; from them, its claim for a wider, simpler, more tolerant faith, extorts no admiration. Their Hinduism, if, in many cases, it is that of new converts, is that of a race which has not come under the social influences of Islam. Boys and girls make love as in Europe, get betrothed as in the West, and, not uncommonly, elope together, when parents and guardians are inexorable, as they seem to have done in the days when early Hinduism recognised the *Gándharva* and even simpler forms of marriage. Hinduism in Assam, so far as we know (and the subject deserves far more

careful study than has ever yet been bestowed upon it), is a quaint mixture of primitive and indigenous practices with the Tantric superstitions which have tinged the beliefs of Eastern Bengal, of Assam, and even of Thibet and Bhutan. It has the defects of its qualities, but it has the sterling merit of reproducing, with startling accuracy, the social conditions of early Hindu days before Islam appeared in India, of the days when Hinduism was a growing faith, and was not, like Judaism, confined to a chosen people ; and the language of this growing, living faith is Assamese. The tendency, under British rule, may spread further East. Burmah is Buddhist, as India once was Buddhist, and Buddhism, as a derivative of Hinduism, maintains many Hindu beliefs, and, even in the Burmese language, many Hindu vocables. It is not long since the writer of this article met a *pánda*, one of the travelling monks who collect pilgrims for the great Hindu shrines. This *pánda* had wandered into Burmah to minister to the sepoy and policemen who have taken service in Burmah, and he did not hesitate to affirm that the Buddhists, on the banks of the classically named Airavati, might yet go on pilgrimage to Srikhetttra, if not to Gayá and Kási. Whether this is a result greatly to be desired, does not much matter, seeing that creeds are not usually influenced by considerations of commerce or comfort. The fact remains that, in Assam, properly so called, Hinduism is still a living and growing faith, and that when tribes professing an animistic creed accept Hinduism, they usually (the sole exception seems to be Manipur) adopt, as Assamese has adopted, a Prakrit vocabulary.

Burmah may yet become Hindu without abandoning its native speech, though its scriptures are already necessarily full of Sanskrit vocables. In any case, Assamese, though its vocabulary is chiefly Prakrit, has the idioms of a race whose social customs differ widely from those of the Bengalis, and are essentially those of a Hindu race which has not adopted Mussalman social habits. It is perhaps only a coincidence, brought about by historical influences, that the difference of idiom is accompanied by a wide difference in social habits. But it is an incontestable fact that the people who talk acknowledged dialects of Bengali, are undoubtedly Bengalis, not only in language but in religion and in social customs, when they are not Mussalmans. Indeed, the dialects of Bengali which differ most widely from the accepted literary standards, are the dialects of the "Bángáls" of Sylhet and Chittagong, districts where Mussalman influences have been more potent than in any other part of the Bengali area, districts where no respectable woman dare look a strange man in the face, and where to be *pardanashin* is to

be wealthy and virtuous. The language of Assam is that of a people subjected to no such influences as these. Even the horrors of the Burmese invasions (and the carrying of ladies of even royal families into Burmah is not yet forgotten) did not bring about the desperate remedy of the *purdah* and infant marriage. It cannot be doubted that the Hinduism of Assam was derived from Bengal, even if the early Hindu Rajahs of Assam brought their first Brahmins and Kayasthas from Kanauj. But the Hinduism of Assam differs widely from that of Eastern Bengal, even if it shares its Tantric mysteries and corruptions. So is it also with the Assamese speech. Its vocabulary is largely that of Hindu races all over Northern India, the softened Sanskrit which we are content to label as Prakrit, the practical speech of business men. But its idioms are the idioms of a race which preserves its individuality and much of its national customs. It is only an accident that this individuality has not been touched by the influence of Islam, and has only come into contact with the raids of the Burmese, and the possibly absurd tolerance of British rule. The actual result is that the Assamese speech and the Assamese form of Hinduism grow apace, and are instruments of civilisation in the far East.

To sum up, such dialects as those of Sylhet and Chittagong seem to be, in their essence, Mahomedan dialects. They are spoken, for the most part, by Mahomedans. Though they have their grammatical peculiarities, as all dialects have, they owe their difficulties (and the Chittagong and Sylhet speech are extremely difficult to be understood by people speaking standard Bengali) chiefly to their very characteristic pronunciation and intonation, the characteristics, in short, which distinguish the spoken speech of Australia and America, and still more forcibly the English spoken by Germans or Frenchmen, from the English spoken by educated Englishmen.

Thus, as Mr. Pargiter has shown, the peculiar adverbial forms used in Chittagong seem to be due to clumsy pronunciation of recognised Bengali adverbs. But Assamese is different. If it resembles Bengali at all, it probably resembles a much more primitive Bengali than the highly complex and civilised speech of modern Bengal. We have, unhappily, no record of what Bengali speech was in days prior to the Mahomedan conquest, seeing that Bengali literature does not go back to the days of Hindu rule. Even the early poems which survive have, as Mr. R. C. Dutt has shown, been much tampered with by modern Calcutta Editors, and retain little of the primitive freshness of idiom, which is still characteristic of Assamese. But we can hardly doubt that the Hindu society of Bengal once went through the phases which now distinguish the social life

of Assam, in days when the *purdah* and the seclusion of women had not yet followed upon the introduction of Mahomedan habits. It is probable that the Bengali of those early days closely resembled the Assamese of to-day, a Bengali with a vocabulary largely Prakrit, but containing many idioms belonging to the logical and ideological habits of the Bengali people. Modern Bengali, the Bengali of the modern masters of Bengali literature, has departed from this primitive model in two directions. The desire for giving expression to new ideas, the necessity of using symbolical words and terms of abstract science, have led to a wholesale use of Sanscrit terms, a usage which, though often condemned by modern critics, has doubtless added to the flexibility and especially to the sonorous force of the language. It is small matter for wonder that Bengali students of English have usually shown a preference for the sonorous Latinised form of English which is associated with the names of Gibbon and Dr. Johnson, writers who strove to do for English, by the use of polysyllabic Latin words, what modern writers in Bengali strive to obtain by the use of the even more imposing vocables of Sanscrit. Mr. Skrine, in his "Life of an Indian Journalist," has shown that this tendency is not universal, but he would no doubt admit that it exists. Again, the syntax of modern Bengali has been largely influenced by the study of English. The short tautological sentences which were once common in Bengali, which still appear in the simpler passages, for instance, of Bankim Chunder's novels, have for the most part given place to involved phrases abounding in relative clauses, sentences which may be easily found in the only too literal translations of English laws and law reports. This tendency is reflected in popular writing and magazine articles. Bengalis often wonder why young Englishmen who study Bengali, find more difficulty in learning the simple idioms, the quaint directness of speech, of the metrical Mahábhárat and Rámayan, than in reading modern Bengali prose. The explanation probably is that the construction of the modern Bengali sentence has much the same logical order as the sentences of their native tongue. Both these influences are still absent from the written language of Assam. English learning has made much less headway in Assam than in Bengal, and short tautological sentences are still the rule. The Assamese have borrowed the Bengali relative pronoun, but use it with diffidence and difficulty. The vocabulary is still Prakritic, and the syntax is, if not, as this article suggests, that of the Koches, at all events that of the mixed and largely non-Aryan races who now speak Assamese.

That Assam will some day speak Bengali; that its indigenous literature will either disappear, or become merged in that

of Bengal, is too probable. When that time comes, the social customs of Assam will also, no doubt, be modelled on those of Bengal. In point of numbers Assam is the Ireland of Bengal. Its paltry two millions of Hindus can hardly hope to maintain a home rule of usage and idiom against the encroachment of the orthodoxy, literary, social, and religious, of the many millions of Bengalis on their borders. When that time comes, the savage races of Assam will probably be debarred from inclusion into the Hindu fold, and, if they seek to escape from savagery into higher ideals of life and religion, will have to choose between Christianity and Buddhism. But that time is not yet, and it is impossible to say what changes political and religious progress may produce in Bengal itself. Just now, Bengal seems to be undergoing a process of religious and social reaction, and even the purely national and Bengali departure in the direction of higher living and thinking represented by the Brahmo Somaj seems to be, in some degree, discredited. No doubt, it is felt that the influence of Islam, of Christianity, of modern science, has led men too far from ancient usage and ancient ideals. But the pendulum may swing again, and the leaders of the Somaj may again obtain the influence due to men of unselfish ambitions, and a sympathy with the best traditions of their race. If this change should come about, it will doubtless give rise to a tolerance of the simple language and the simple habits of the Hindus of Assam.

It is characteristic of the reaction that it should find, in the official recognition of the separate existence of Assamese, an interested attempt to discredit the social system of Bengal. The plain truth is far otherwise. It is the Hindus of Assam who maintain that their language and their customs should be recognised and supported. The time may come, and probably will come, when they will lose their independence of speech and custom; and assuredly no officials and no missionaries will be able to give pause to the tendency, even if they were likely to wish to dam so irresistible a current.

Meanwhile the Assamese claim, not without reason, to speak a language unaffected by Christian or by Moslem influences, a language reflecting the primitive forces of a Hinduism which is still sufficiently flexible to grow and to make converts. It is not a highly literary speech. Its vocabulary, for all its Prakrit origin, is still limited and simple, the language of a race of cultivators who know nothing of town life. Its syntax is still redolent of a primitive and even savage past. But it has a literature which is entirely indigenous, except where it is borrowed from Hindoo, that is, from Tantric religious learning; a literature chiefly of local genealogies

and histories. Assam, unhappily, has forgotten much of its history, almost all of so much of its history as preceded Hindu times. It may come to forget the social system which now exists, the system of a Hindu race which comes in to contact, not with Mahomedanism, from which Hindoos have never made converts, but with savage folk who can be as easily assimilated as, doubtless, were the lower castes of India proper when these castes represented, not the absurd and artificial distinctions of trades and occupations, but vital and essential distinctions of race.

Modern Assam, in short, enables us to realise the social conditions of pre-Islamic India. British rule has brought tea gardens, missionaries, railways, in its train; but these disturbing influences have not much effect on the social and religious life of quiet Assamese villages. It has brought the peace, the security from Burmese invasions, which renders the natural development of the tendencies of the race easy and rapid. As time goes on, communication not only with civilised Bengal but with pacified Burmah will be improved. The savage creeds of the aboriginal races must needs disappear before such influences as these. None of us can foresee whether Nagas and Miris and Mikirs will become Hindoo, or Buddhist, or Christian. But, at present, there is no indication that they will become Mahomedan. For, if Islam has conferred upon Bengal the zenana and infant marriage, Bengal has had its revenge in restricting the proselytising influences of Bengali Mahomedanism. If the recurring censuses of Eastern Bengal show a growing proportion of Mahomedans, it is because Mahomedan families are larger than those of Hindus and not because the Hindus of Bengal are deserting their faith. But these, if interesting, are only speculations, and relate to a future which none who read this article will live to see. Meanwhile, let it be said once more, it is not for Hindus who respect the primitive and growing Hinduism of their forefathers to despise the Hindu faith of the Assamese, or to reject the claim which the Assamese set up to speak a tongue essentially different from Bengali.

J. D. ANDERSON.

ART. VII—THE BHUIYAS.

IN a remote corner of Orissa, on its extreme North-Western boundary, in the semi-independent State of Keonjhur, which is one of the eighteen States that comprise the Gurjat Mahals, and also in its North-Western portion, in a very hilly district, a wild tribe called the Bhuiyas have, from time immemorial, made their abode. They claim to be the "children of the soil," and to possess full proprietary right over the land, the very word "Bhui" meaning earth. They entertain a firm belief that the land belongs to them and they, therefore, have the privilege of its disposal. Their appearance and colour are different from and darker than those of the Hindus by whom they are surrounded.

They are the second largest wild tribe in Orissa, numbering some thousands, and they have divided themselves into different septs, which are fast forming distinct customs in accordance with those of the Hindu races they come in contact with. There are four characteristic septs which claim the title of Bhuiyas, and which in turn have thrown out a few smaller branches, that, however, are so insignificant as to be hardly worth mentioning. The parent clan are the "Desh" Bhuiyas, who claim to be superior to the remaining septs, and have preserved all the characteristic features of a wild tribe addicted to strong passions. The 'Raj Kolli' Bhuiya is supposed to be a descendant of the Raj family from a concubine, but of this I shall speak later on. The "Routali" and "Pabanos" are the remaining septs. They are smaller in number than the "Desh" or the "Raj Kolli" clan, and have become cultivators, having adopted many Hindu customs, and consider themselves more enlightened than the "Desh" Bhuiya.

Of the "Desh" Bhuiya I shall speak in detail. In fact the following account refers, almost without exception, to this clan.

I consider the Bhuiya tribe not only the second largest, but also the most influential, of all the Orissa hill tribes; and they have periodically played a prominent part in the Keonjhur State. There are other aboriginal classes; but these I hold not to be pure hill tribes. They have lost all their former features and have now adopted the Hindu religion *in toto*, modifying its rules to suit themselves, though, perhaps, they retain in a degree the snub nose and dark complexion of their ancestors. The usual spirit seen in hill-tribes is wanting among them and they bend easily to the yoke.

The emblem of signature of the "Pahariah Desh" Bhuiy is the "*bangy*," while all the other septs claim the "*kanda*,"

or axe, as their emblem. These emblems they also worship at certain intervals, regarding them as gods.

BOUNDARIES, LANGUAGE AND SOCIAL STATE.

We find that the Bhuiyas extend roughly from the South-West border of Singhboom, forming their northern boundary, to Pal Lahara, Talcher and Denkhanal on the south, while the petty semi-native States of Bonai and Bamra, of Singhboom and the Central Provinces, are the Western boundary, to the foot of the hilly district of Keonjhur on the east. Proximately speaking, this area amounts to about sixteen hundred square miles, out of which about two hundred and fifty square miles represent the original seat of the Bhuiyas.

In the two hundred and fifty square miles alluded to is the home of the "Paharia" Bhuiya, while the "Desh" Bhuiya, of whom they form a part, inhabit almost all the hilly district; and at the foot of the hills you see the "Raj-Kolli," "Routali," and "Pabanos" Bhuiyas.

It was the "Paharia" Bhuiya who, tradition says, nurtured the boy-king in the remote period when the severance of Mourbhunj and Keonjhur trembled in the balance, and to them alone remains the honour. Keonjhur is the home of the Bhuiyas; but overcrowding has forced them to emigrate to the neighbouring States, where they soon lose touch, and cease to show the character of their parents.

TRADITION.

Tradition has it that the Bhuiyas were instrumental in separating the Keonjhur States from the large Mourbhunj principality about a thousand years ago, when they found that the journey to the latter State took weeks to accomplish. Owing to the hardship of travelling through extensive and perilous forest, to pay their respects and tribute to the ruling chief, and to the fact that many of their kinsmen who went on these periodical visits never returned, but perished on the journey from the attacks of wild animals, or succumbed to disease, they resolved to instal a Raja of their own; and, to gain this object, they, during one of these State visits to Mourbhunj, stole one of the young sons of the then ruling chief, and brought him away to their hilly fastnesses, which in those days it must have been no small task for strangers to penetrate. The prevalence of ambition and family intrigue in these Raj families probably facilitated the venture, and it is possible that the family designed the plot at the instigation of the Bhuiyas, and helped them in the carrying away of the child. Once among them, the young Prince was carefully and jealousy nurtured; Gwalas and other castes were imported into their hills to attend and ad-

minister to his wants. His meals were specially and separately prepared, and the story runs that so great was the Bhuiya respect for the boy-king that none of them were allowed to touch the cooked food, lest it should be defiled, and, still more effectually to prevent such a calamity, the chatty in which the daily food was prepared for consumption was emptied, and a leading Bhuiya broke the pot with a well-directed arrow from his bow.

The breaking of the earthen-pot is considered essential to this day, though the custom of doing so with an arrow has passed into oblivion, and the task now falls to the lot of the household servants.

On the lad attaining majority, it was decided by his guardians that a suitable site should be selected for the erection of a "Garh." In their wanderings, they came to a spot where they beheld the strange sight of a dog vanquished by a hare in a fight. This was considered an extremely favourable omen; it was resolved that the scene of the conflict should be consecrated by the building of the "Garh" for their young king, and this is the place that is at present the seat of the State government and the palace of the Rajas. It is situated in a nasty hollow, reeking with malaria, at the foot of a range of hills and the boundary of the Bhuiya Pirs (or Pergunnahs). In fact, from the hill immediately behind, where the Ind festival is held, the palace can be overlooked. This "garh" has the same position as most of the "garhs" of the Orissa Tributary States, and, apart from tradition, is so situated as to facilitate the escape of the Raj family into the jungles in the event of an attack by the Mahrattas, or other foes.

The offspring of the concubines given by the Bhuiya caste to fill the harem of their young Raja in those early days are represented by the powerful sept, the Rajkolli Bhuiyas, who claim their origin from this circumstance. Moreover, their name confirms the statement, the word "Koli," or "Kolo," meaning, in Uriya, the "lap." This connection led to this sept being more civilized, and imbibing the Hindu customs that prevailed about the person of the young chief.

From the date when they fixed the situation for the Headquarters of their chief to the present day, the Bhuiyas have claimed that the Raj installation cannot be pronounced complete till they have performed their quaint part of the ceremony, which means a mustering of the clans, headed by the hereditary master of the ceremonies. On these occasions they march into the court-yard of the palace with drums beating and other musical instruments playing a wild and fantastic air, while the leader carries on his shoulder a large "pumpkin" (a token of submission or allegiance). On their arrival, the "pumpkin" is

presented, and the leader takes the boy Raja on his knees, performs a religious ceremony, marking him on the forehead with sandal-wood, and formally places him on the throne. They then, in a body, prostrate themselves, ask forgiveness for past offences, and declare that they will not rise until their request is granted. The newly installed chief bids them be of good cheer, and orders them to rise. The master of the ceremonies then, stepping forward, makes inquiries regarding the Raja's health, and the welfare of his family, horses, elephants, and all the State paraphernalia. These tender inquiries are answered, and the Raja's State Koran (writer) reads out from a palm leaf document particular questions concerning the health of the Bhuiyas, their families, cattle, hill-streams and fields. Ultimately the representatives of the village prostrate themselves again in succession, and each of them, taking the newly installed Raja's left foot in his hands, places it first on one shoulder, then on the other, and, saluting it with his forehead, again prostrates himself and withdraws. Thus ends this trying ordeal, to be followed by festivities and feasts.

The ceremony developes into the hereditary household Bhuiyas performing the ritual of the throning. One person holds the umbrella, another acts as a horse, and carries the lad, to be installed, on his back, to the person who is to make him sit on his knees.

This ceremony is repeated every year, in the month of May, except that the throning part of the custom is dispensed with.

From the above narrative, it will be gathered that the Bhuiyas want a ruler to whom they can appeal, and from whom they can procure advice, that, from time immemorial, they have had no wish to be made independent and self-governed ; on the contrary, they claim a prescriptive right to approve of, or resent, the administrative acts of the Rajas of their own creation, and the periodical rebellions that have taken place have been owing to dislike of the individual ruler by the Bhuiya, or to some grievance.

This was noticed in the late rebellions of 1890-93. When the Raja had fled to seek protection at Cuttack from the British and had left his family to the care of his rude police and matchlockmen, the Bhuiyas, on hearing this, never made a determined attack on the " Garh," which they could easily have taken and put every one to the sword, as it was poorly manned and would have surrendered before large numbers ; but they did not wish to harm the Raja's family, the object of their resentment being *non est*.

The Bhuiya Pirs have always been the property of the Queen of the State, though administered by the Raja ; and she is called by them the mother, and looked upon with veneration.

In the former rebellion, when the Bhuiyas entered the palace, seeking for the Beburtha (Manager), who had taken refuge in the Queen's compartments, they found, to their horror, that he was in her presence. This incensed them to frenzy, and they declared that nothing but his blood would atone for the insult of which he had been guilty, in seeing the face of their revered mother.

CHARACTER AND APPEARANCE.

The Bhuiya character has certain peculiar features that are wanting in the many aborigines, other than hill-tribes, that inhabit the Tributary States of Orissa. I have found them to be frank, truthful, and imbued with a passionate love of liberty, devotion to leaders, and unconquerable resolution. Besides this they are faithful to friends and very hospitable, their hospitality having passed into an Uriya proverb, and, though not brave, they are absolutely free from any thing that can be called cringing or subserviency. Their vices, on the other hand, are inclination to revenge and very occasionally to brutal passion, and constitutional indolence. The latter trait may be caused by their easy mode of living. Drunkenness is prevalent ; no event of the life of the Bhuiya, no public ceremony in his village, is complete without intoxication. The women alone refrain from the cup ; and, while drunkenness is regarded as a commendable custom among the male population, in a woman it is despised, and would be deemed utterly disgraceful.

The two great virtues of the Bhuiyas are fidelity and hospitality. Every stranger is an invited guest. On a traveller entering the village, he will be solicited to share their meal, the women respectfully attending to all his wants, bringing him water and lighting his fire. A guest cannot be turned away, and may remain as long as he likes. Should the visitor be a State official or a person of influence, all the women will rush out to meet him, and at the entry of the village they will, theoretically speaking, wash his feet and bid him welcome. A little turmeric, mixed in the water they carry, and small wooden stools, being an essential part of the ceremony, conveying to the mind the idea of sitting on the stool and getting the feet washed. On spilling the water at the feet of the welcome visitor, the chief old lady will kneel down, resting the palms of her hands on the ground as a salutation ; she will be followed by a senior maiden, after which all will say, " You see our state, how poor we are, but you are welcome to share all we have, " and lead the strangers to the guest-house.

The Bhuiya is very clannish, the bond being looked upon with such veneration that no matter if the call to a gathering be detestable to certain persons, yet they are in duty

bound to attend, or would be considered disloyal, out-casted, and not fit to bear the proud name of Bhuiya. Where the tie is so strong, it is quite possible for them, on the slightest infringement of their old and time-honoured hereditary rights, or on the faintest appearance of any design to increase the surveillance over them or to curtail their uncontrolled freedom, to set the whole mountains they inhabit in a flame.

A rising among them means a rebellion of the majority of the State they inhabit, Keonjhur, as they have from a very remote period exercised an unbounded influence over the remaining aboriginal classes, the "Gands" the "Bathuris," the lower sects of the Gwalas, the "Sounties" and all the various septs of the Bhuiyas. That the Bhuiyas, though numerically weak, had immense influence over the population of the State, is seen up to date. They are always looked upon with suspicion and awe, and can generally demand what they choose from the other classes. Their name seems to have some magic connected with it, as, at the first sound of the late revolt in 1891-93, the whole population were at their feet, offering bribes to, and begging from, the influential leaders protection and their lives, saying: "We are the younger brothers and you are the elder brothers, we cannot gainsay your demand."

The woman, though modest, is the worker among the Bhuiyas, leaving only cultivation, and their pastime, hunting, to the men. She has to find the daily food and superintend all household duties.

The Bhuiyas have the easy bearing of men unconscious of inferiority, and rarely use expressions of courtesy. In salutation they lower the upper part of the body and at the same time join and raise the hands to the forehead, thumbs uppermost, uttering the word salaam in a loud voice. While willingly imitating the nobler features of Hindu civilization and religion, they assert their superiority as a nation to the more cultured race. Their boasts are, that they revere their parents, that they are men of one word, and that the Bhuiyas are one as a race, while the Hindus are unlimitedly subdivided.

APPEARANCE.

In appearance the Bhuiyas are much finer than the other cognate tribes around them. They are of a light complexion; their countenances are not well favoured; but they are hardy, athletic and of average stature, have an erect and easy carriage, and a long free stride, and their hands and feet are both large and well formed. Besides this, they have a round face, full lips, high cheek bones and the spread nose of the Gonds and Kols. The Bhuiya is beardless,—or nearly so,

while the hair of the head is frizzly or curly, coarse and black, and in some cases straight. The hair is worn long, being combed and oiled, alike by the males and females; but the former shave the forehead, which contributes greatly to their ugliness. The hair of some is worn in a shaggy state, resembling a huge mop, and is neither oiled, nor combed. Clothing is regarded as a superfluity among the men, and is usually confined to the "*kopni*" between the legs, which they fasten, before and behind, to a string round the waist; while those of the higher orders wear the "*dhotie*" extending to the knee.

The women are more particular, wearing a coarse woven "*saree*," made by the weavers that inhabit the outskirts of their villages, Hindu fashion, except that no part of it is used as a veil. They are tall, well made, have usually a pleasing expression and a bold, innocent look. Most of the women tattoo their arms and shoulders, and, as ornaments, wear earrings and nose-rings, immense bunches of beads, and occasionally brass necklaces, covering the bosom and extending to the loins. On the arms they wear a large number of thin brass rings, which jingle on the slightest movement. Many also adorn their legs with anklets, made of brass or bell-metal, to set off the fine shape of the legs, and small brass rings on their toes.

The men believe that nature looks best when unadorned, and they wear only a row or two of beads round the neck, or bits of roots through which a string has been passed; but a few wear the Brahaminical thread, more for show than with a religious purpose. The women are passionately fond of flowers, and are invariably to be seen with bunches or garlands of scented flowers in and around their hair; while, to give it a nicer appearance, they mingle with them artificial ornaments made of coloured cotton.

SOCIAL STATUS.

The Bhuiyas are not looked upon as a low caste by the surrounding Hindus, though they eat fowls and the grubs of insects. In fact, the Hindus of the State will drink the water they touch, and do not consider themselves defiled if they come in contact with them. This may be accounted for by the fact that they have been the care-takers of the State chiefs, from the time when Keonjhar was established, and have always taken part in most of the domestic affairs of the chiefs, thatching the inner house of the Zenana, where only respectable castes are allowed to enter.

In these tributary States, the bigotry and strength of the Hindu religion is generally regulated by the Rajas, whose

example the mass of the population follow, the Brahmans even taking advice from the chief in regard to their usages and religious law.

LANGUAGE.

The Bhuiyas speak a dialect of Uriya, mispronunciation and usage having corrupted some of the Uriya words beyond recognition. At present their speech is full of exclamations and questions. The sentences are simple and short. Their voice is hollow and deep, and lisping is prevalent. Whether they ever had a distinct language of their own, I cannot say; but of this I am certain, that, if they had, it must have been at a very early period, as no trace of foreign words is to be found in their limited vocabulary of Uriya. Neither does tradition say that they had a language of their own.

CUSTOMS AND HABITS.

The Bhuiya seldom marries in the same village which he inhabits, as he is generally connected with the villagers, but selects his bride from a neighbouring village.*

The love for dancing is inherent among this wild tribe, and almost the whole village join in it, old age alone preventing the seniors joining. The minor villages all flock to the larger ones for the dance, and no less than fifty or sixty persons engage in it. The men and women stand confronting each other, forming a wedge, the best dancers being placed at the point of the wedge. The men play on the drums and sing songs, while the whole company dance, moving in a circle, having as its pivot the point referred to. The women dance in a stooping posture, and use their "*saree*" as a veil, while they all join hands. The men stoop as well at times, but this is only when some delicate sentences are being recited, as if to make the passage more impressive. The dance combines three steps forward and three backward, the company resembling a pendulum circling on its axis. This is the favourite dance, though, to vary the monotony, other dances are resorted to, in imitation of the tiger, the snake and the bird. The tiger dance is practised on all fours, and the snake dance flat on the face. The old men and women sit round the company, encouraging and criticising the dancers.

The Bhuiyas always camp in a body, apart from other castes. Any alteration or change, however trifling, requires

* The horror of incest prevails among them, and they are careful, in contracting marriages, that they do not form an alliance that may be considered incestuous. However, there is no restriction against intermarriages in the same sect or phratry, or even when the parties bear the same name, but marital relations beyond the sect are considered anomalous and the offending persons are outcasted.

a meeting, and so engrained is this custom that the demand for rent from any individual generally calls forth the remark, "When others pay, I shall do so." If the rent-collector induces one village to pay, he has no further difficulty. As the news spreads, the rest will bring in their rent without being summoned.

In their habits the Bhuiyas are comparatively cleanly, and the traveller does not notice the foul odours prevalent in Hindu villages.

Though the "Desh" Bhuiyas of the pergunnahs claim to be of the same clan as the "Paharia Desh" Bhuiyas, nevertheless they do not intermarry among them, the former having adopted some of the Hindu customs, for instance, having a professional barber to shave them, and the washerman to clean their clothes on certain religious occasions, while the latter do not.

The Bhuiya has no idea of time or its value, and, when summoned to appear on a certain date, frequently puts in his appearance a day or two after it, the reply given when they are reprimanded being: "I had work on that day; went to-day do as well?"

Long custom demands that, if one party of men sing a song, or rather rhyme, the opposite party of women should reply to it. This repartee means each party expressing their thoughts in song, and the custom is so appreciated that an interchange of musical rhymes will last for hours, sometimes extending over a day, a short respite being allowed during meal-times. This liberty is allowed during the weeding and transplanting of the paddy, especially as at that time large bodies of persons come for hire to the various villages. In the Bhuiya Pirs, where there is very little wet cultivation, rhymes are indulged in when parties meet by accident or by invitation. There is no end of rehearsing and tutoring to enable them to compete, and in not a few instances the women come off victorious.

MARRIAGE CUSTOMS.

Prior to any thought of matrimony, it is essential that the parties should have attained manhood and womanhood, and that there should be no coercion used by parents or others, though parents and friends sometimes give advice.

Various forms of betrothal are adopted to suit the fancy of the young couples. For instance, at the every day dance, a young man is at liberty suddenly to seize the hand of the girl he loves and run off into some hiding place for two or three days; but the concealment is an open secret. After the expiration of that period, the parents of the bride go to the relations of the bridegroom and fix the dowry. It is allowable

for a man, when out in the forest with maidens of villages, gathering in fruit or attending to their daily wants, to place a flower in the hair of the girl he has selected to be his partner, and this is considered an engagement, and no other man makes a claim for her. The engagement emblem is usually a white flower with a sweet scent, growing in bunches which, when in full blossom, give the tree the appearance of being covered with cotton. This flower is very common in the forests, which may account for its use, as the women also string them together and wear them encircling the hair; but certain other flowers, of a red colour, are resorted to when this species is not in flower, as a token of an engagement. On some occasions, the lover walks off with a girl whom he has asked to share his home, from a bevy of young girls in the forest, whereon the remainder return to the village to which the girl belongs, and, calling the elders of the village, say: "While we were out to-day in the forest, a tiger carried off one of our sisters." Thereupon the whole village will turn out armed, as if they really intended combating with the King of the forest, and are led by the maidens to the spot of the occurrence. The villagers then pretend to have seen the signs of the tiger, and to drag off the body, the cloth lying on the ground, an arm here, a leg there, and so on till they reach the house in the village which the young man occupies; and ultimately, as if to consummate the whole farce, they will say: "Here is the necklace, the brute must be lying up here." With a shout, they will then demand his blood, and call the senior members of the village to give up the foolish lad who dared to take the liberty of carrying off one of their girls for vengeance; but the seniors will argue, and plead that, though he has committed an offence, yet the union must be allowed; and that they will pay blood-money and give all a feast. This will appease the feigned wrath of the avengers, and all will join in a dance to celebrate the wedding.

The search for the tiger is carried out exactly as if a tiger had killed a man, the party going to the extent of weeping for their loss, and showing an earnestness in their movements that makes his discovery a triumph.

There is yet another system employed to gain a bride, which, perhaps, though not so unique, is more sanguinary than either of the above, and is resorted to only as a last resource. Should a young man set his heart on one of the fair sex of a village, and be unable to obtain her, owing to family quarrels, or obstinacy on the part of the girl and her relations, he will gather his male friends and lie in wait at the village stream; and, on his fiancée coming with the women of the village for water, a rush will be made to carry her off by force and cover her flight,

while the other party will call for help and join in the recapture of the bride. The two parties carry the fight to great lengths, the conflict ending in the stronger party's favour. Many serious blows and cuts are given, and in some instances leave permanent marks. The bridegroom, having estimated the strength of the village from which he proposes to capture his bride, takes a stronger party, or resorts to strategy, and the result in most cases is in his favour, but the ceremony is not yet regarded as a victory. As long as the girl has not broken her fast in her future husband's house, she is at liberty to escape at any time, and, to prevent this, she is confined in a house, and there all the persuasion and cunning of the women of the village are employed to induce her to eat something. This usually happens in a few hours, or, in obstinate cases, a day or two, after which she is set free and cannot run away to her village, as she is certain to be returned.

These customs are only the preliminary steps adopted to get the woman under control or obtain her sanction, but the marriage is not consummated till the "Desh" have been fed and drunk as often as the party can afford it. The ceremony itself is carried on exclusively by the women, and the village priest, who administers a benediction with the sanction of his gods. The bride and bridegroom are clothed in new garments, and turmeric and water are sprinkled on them, while they are made to sit on a common yoke, the father or the nearest male relative of the bride giving a coin to his daughter, repeating at the time the words: "I have given you all my wealth, I hope you will profit by it and be faithful to your husband." The idea of making the couple sit on a yoke is, that they have practically been joined as man and wife. Till this ceremony is performed, no marriage is completed. Before the couple can settle in their new home, the village priest must sanctify the building, and place there in an earthen pot, inverted, under which are supposed to be the spirits of their forefathers, which must be worshipped daily by the pair. Dowries are also settled on the bride, and in the case of a rich man amount to many head of cattle. The ceremony takes place in the husband's house, and not, as the Hindu custom is, in that of the bride.

Among the "Desh" Bhuiyas who have come into contact with Hindus of the plains, or wish to assume airs, the parents arrange the marriage for the young couple; but this seldom occurs, the majority resorting to the time-honoured privilege allowed them of capturing or winning their bride.

The marriage tie can be broken should the parties find that they are not suitable to each other, and adultery operates "*ipso facto*" as a divorce of the faithless wife, while the husband is outcasted till he feasts the bride. If the woman should

have committed the act with a Bhuiya, the matter ends with his making her his wife, but, should he belong to another caste, the woman is outcasted as well.

Chastity is not looked upon by the Bhuiyas as a virtue, though, should matters go too far, the elders of the village, both men and women, will hold a "punchayet," in the presence of the maidens and young men, and ask the girl who the seducer was, and make her over to him, saying: "It was our fault, in not seeing the couple married before, and it is the way of all flesh."

The Bhuiyas, however, faithfully observe the marriage bond, and adultery and divorce are seldom heard of; the wife serves her husband while he eats; helps him in the homestead, and, when out-door labour presses, accompanies him to his fields. Polygamy and widow-marriage are admitted, but seldom availed of.

CUSTOMS AT BIRTH AND DEATH.

The customs that prevail at the birth of a child are simple, consisting of a feast to the relations and friends of the parents on the tenth day, which purifies the mother and her household. Among the "Desh" Bhuiyas of the pergunnahs, who have learnt some of the Hindu rites, they get the barber to shave them and the washerman to wash all their clothes, but among the same tribe in the Bhuiya Pirs, one of the Bhuiyas who is skilled with a razor (locally made) performs the duties of barber. They do not consider the washing of clothes essential. Should the unfortunate mother die before delivery, the circumstance is looked upon as a sin, absolution from which is only gained by extricating the embryo from the corpse, and burning the bodies, one on each side of a hill-stream. This precaution prevents the deceased mother from becoming a witch and using her evil influence among the women and children of the village, as no spirit can cross a stream, and the mother cannot become a witch, before union with her child.

The last incident of human life remains. On the death of an unobscured Bhuiya, his kinsmen quickly bury the body in the forest, and, on the tenth day, give a feast to the hamlet. But, in the event of a Patriarch or leading Bhuiya dying, the bereaved will spread over the country-side and summon all the inhabitants of the various villages to the burial of the great man. During the nine days that intervene before the feast, the female relations of the deceased show great grief, uttering a low moaning dirge that, once heard, can never be forgotten. On the tenth day the "Desh" assemble, and feast, and nominate or choose a successor, who is generally the eldest son of the late chief.

With the one exception of burning the body of pregnant women, the Bhuiya always bury the dead, taking the trouble to give the deceased a decent burial, the grave being not the flimsy pretence of the Hindu, but a deep and suitable one. Thorns are placed on the grave to prevent wild animals from exhuming the body. If there is a stream in the jungle, its banks are generally chosen for the cemetery, as all streams lead to the holy river, the Byturnee—the Hindu Styx, which rises at the foot of their hills.

After the death festival, and on the same day, the relatives of the deceased gather under the nearest of kin and perform the ceremony of reconciling the deceased with the family ancestral god. All will enter the house and sit in rows; the kinsman referred to will then offer as a sacrifice a he-goat, spilling blood at the foot of the chatty (described fully in another section). All will then raise their voices, and call upon the departed ancestors to receive their late relative. In the event of a child dying, a fowl takes the place of the goat. In all instances blood is spilt, and the water that is placed near the god is then taken and sprinkled over all the relatives, which purifies them. Only in two cases is this ceremony dispensed with—in the event of a woman dying while pregnant, and when a person is afflicted with leprosy. In neither of these cases can the deceased find a place among the ancestral spirits. Leprosy is considered to be unclean and a visitation of the deity for some terrible offence committed by the unfortunate invalid; the afflicted person being excluded from the village, and having a separate house and a bathing ghât set apart for him in the stream below the ghât used by the inhabitants.

ARMS.

The Bhuiyas employ, as their principal instruments of defence, the bow and arrow, with which they can shoot accurately. Some of the arrow-heads inflict ghastly wounds. The bow is made of a good male bamboo, or some pliable wood, and, instead of fibre for its string, has a thin strip of the outside of a bamboo, attached to the bow by a thong. The iron arrow-head gives place to a wooden one for birds and small game. Coupled with the bow and arrow is the two-handed axe. No Bhuiya is without these weapons; nor does he go into the jungle without his bow and arrow and axe. The favourite bow-shot is to hit an animal behind the shoulder, and with sufficient force to bury nearly the entire arrow in the victim. Birds are generally shot at night. The roosting tree is observed during the day, and at dusk the hunter approaches the tree quietly and lights a large fire, which dazzles the birds and affords light for him to mark them.

Besides the bow and arrow and axe, he uses a curved sword, a sling, and a curiously made ring of iron, from six to eight inches in diameter, having its outer edge sharpened, with singular effect and dexterity. The mode of using it is curious, as the distance is judged by the eye, and the ring is swung rapidly round the index finger, which forms the axis, and released. I have seen a Bhuiya cut in two a *sal* sappling two inches thick at a distance of 40 yards. He has no shield, but guards, when occasion arises, with the handle of his axe.

Prior to a person going out hunting, he generally swings his bow between the palm of his hand and the ground, standing in an upright posture, and allows it to fall to the ground, considering the direction in which it falls auspicious. They used to adopt this custom during the late rebellion, before setting out on the war-path, preferring to decide an important matter by the law of gravitation rather than by the verdict of reason. A few have in their possession old match-locks, but are indifferent shots with them. Besides arms, they have certain musical instruments that are used at festivals, and when on the war-path, or at the marriage of the patriarch. The horn is sounded only as a call to arms, or a warning, and at the marriage of the patriarch, while the drums of one sort are played on at the dance and at all festivals, the favourite drum being something after the fashion of a tambourine, but much larger.

THE VILLAGE.

The hamlet usually consists of two rows of houses, forming a broad street, the idea being originally that of making the village into a primitive fortification in case of attack, or for the sake of security from wild animals. The village lies embedded in a leafy grove of jack fruit, at the foot of finely-wooded hills, or crowns some small green knoll in the rich valleys, well-raised above flood level. The Bhuiya generally displays unusual taste in choosing the site of his habitation, not forgetting to place the village in the neighbourhood of one of the many hill-streams that flow through his country. Almost everywhere the Padhan of the village and the old residents have their houses located in the very centre of the village, close to the large jack trees, which have been dedicated to their village god. Besides this, the Bhuiya is excessively fond of jack fruit, which he consumes when green and ripe, and, should a site be unsuitable for the growth of this valuable product, they will desert it for more fertile soil.

On the outskirts of the village live the low castes, Pans and Kols chiefly, who perform all servile duties, and live in separate rows of huts assigned them by the Bhuiyas. These despised classes have from time immemorial formed an essential element in the aboriginal village community. It would be considered

degradation for the Bhuiya to perform the work they are engaged in. Nor can he eat food from their hands.

Close to the Padhan's shed is the village Durbar, or "Mundup" house, under a spreading tree. Here all the bachelors sleep, and it is the guest-house of the village. The opening in front affords the dancing ground for the maidens and young men, and some of them are the largest and best situated houses in the hamlet.

In order to make the guest comfortable with as little delay as possible and give him rations, the villagers all contribute their small share of rice and pulse to a general fund; and this, for convenience, is made into bundles, and suspended to the Durbar house roof for immediate use. From this stock the women give the stranger his daily allowance.

Each man has his own little estate, and his heart beats with the independence which, all the wide world over, nerves the arms of the free-holder. Every Bhuiya tills his own land, and heartily scorns all who engage in any occupation save agriculture and hunting. From his boyhood, the Bhuiya learns to regard himself as a freeman, sprung from a headstrong race. His business is agriculture; his pastime are hunting and dancing. During seed time and harvest, he rises at dawn and eats a hasty meal of pulse or herbs. Before the dew has disappeared from the ground, he drives his oxen a-field and toils without a break till a few hours before dusk. If engaged in the hard work of clearing jungle, he rests at noon and has dinner. But, when following the plough, he works on till the afternoon, when he bathes in the nearest stream, and at dusk returns home to a hearty dish of rice mingled with fruit and bulbs, and then off to the dancing pavilion.

In no village do you see a tank, as the Bhuiyas regard it as part of their religion not to excavate. In the large flourishing villages of the Dundopat Bhuiyas, a very occasional tank is seen, but this has been dug by hired foreign labourers.

The men and women have separate bathing ghats, as the latter always bathe nude. The system is strictly guarded, and should a man be led by circumstances unavoidably in that direction, he is bound to give a shout as a warning, and any infringement of the rule is resented.

Most villages have a little shed for the village god surrounded by one or two lofty trees. The large and important villages have schools for their benefit; but they are looked upon as a useless institution and a nuisance. This can well be imagined. The hand that has hardly learnt the use of the plough cannot be expected to wield the pen. The following fact will give an idea of what the Bhuiya thinks of learning. If the young son attending the school is unable to be present,

owing to some domestic occurrence, the father comes to the school and offers to put in the necessary hours there instead of his son.

Besides the State official, the Padhan, in a village, there are other hereditary officials nominated by the tribe to perform the social duties. For collection of rent and the working of the village, we have a *soi disant* naik, literally an Assistant of the Padhan, but not recognized by the State. The priest of the village is called the "Deori" and has the keeping of all the gods ; as representative of the maidens of the village there is the "Ghar Mangi," who settles all love affairs and disputes, regulates the dancing ceremony, and lays all charges and complaints before the village council.

Among the Bhuiyas the principle of the family is supreme. Hamlets exist, but the social nexus is not that of the village, but that of the household. The two links in their organization are the family and the sept.

Each sept consists of a number of families laying claim to the same progenitor, while, in each family, absolute authority rests with the house father. Thus the sons have no property during the life-time of their father, and all the male children, with their wives and descendants, continue to share the father's meals, prepared by the common mother, who is assisted in her cooking by the wives of her sons. As the tribes form a federal group, acknowledging a head, so the individual families unite into minor village communities under a village father, who is their head.

Side by side with this principle of the family, we observe another system at work in the social structure of the Bhuiyas. The authority of the Patriarch forms the nucleus of the whole, but it is modified by an elective and representative element. If unhappily the natural heir to the office has none of the qualifications required for it, the Bhuiya avoids the difficulty by an ingenious compromise, which makes the title hereditary in the family, but elective as to person. The eldest son of the Patriarch has a natural title to the position, but if he is unfit for the duties, he makes way for a younger brother or male relation.

The two essentials being personal fitness and birth within the recognized family, there is no formal or fixed election for the post ; but, if one is deemed unsuitable, he is silently passed over, as if by the permission of the family. The offices of the various headmen in a village are considered sacred, as the principle of family and of election, combined with religious feeling, renders them so. There is no salary or official privilege attached to these posts, other than the respect and veneration which belongs to the incumbents as

leaders. They are considered the heads of a village in which every member is of equal rank,—the first among equals. They are in no respect raised above the community, whose interest, social customs, tradition and mode of livelihood they share. They have no trace of state, however rude ; no separate house or stronghold ; no retainers ; no property except their hereditary fields by which they sustain life. They receive no tribute or aid from the people, save on certain occasions a harvest offering of goodwill, or the lion's share in the " bag " of the hunt. The most valuable return they receive for these offices is enjoyment of the place of dignity at all public and private functions, and these are the most agreeable incidents of the situation. They cannot transact any affairs of material importance without calling in the village elders ; at home they are the protectors of public decorum and the arbiters of individual wrongs, conciliating disputes and administering justice.

A stolen article must be returned, or its equivalent paid at the village council, the principle of restitution being supreme. This leniency extends only to the first offence. A repetition of the crime is dealt with, not as an offence against property or against the individual sufferer, but as a wrong committed upon the whole society, the criminal being generally looked upon as disgraced, and his life made a burden to him. If a person should be wounded in a squabble, a council is assembled to conciliate the aggrieved parties, and, after hearing both sides, admonishes them. Each then selects a brand from a heap of lighted fagots, and, to complete the reconciliation, extinguishes the fire by spitting on the lighted end.

On the rare occasions on which the guilty persons are punished by the State Courts, on the villagers becoming informers, it does not prevent them from disposing of the case at their Council, as they hold that the punishment inflicted by the State is for its satisfaction and not theirs.

The mode resorted to in calling an assembly of the village elders is simple, yet quaint. One of the office-bearers of the hamlet, standing at the " Mundup " house, gives three loud echoing shouts, which are promptly obeyed. No other member of the community can call the elders ; in fact, so much are these offices looked upon as sacred, that the belief is that the usurper is certain to call the wrath of the village deities on his head, and fall a victim to some wild animal or reptile.

As society, disputes, religious festivities and other minor matters, are regulated by the Council, the calls to meetings are frequent, and the voices of the office-bearers naturally are easily recognized.

REVENUE.

The Bhuiyas are made to pay rent, strictly speaking a surveillance, in coin and kind. There seems to have been no fixed revenue prior to the settlement enforced by Colonel (then Captain) Sir James Johnson and the Government political officer after the rebellion in 1868. But Colonel Johnson, very wisely, fixed the house-tax at annas 4 per house, and annas 8 for the holder of a plough. Besides this, they are liable to the payment of anna 1 as school-fee from every house, coupled with the thatching of certain State buildings and the supplying of labour for the carriage of their chief's luggage, when on tour, free of cost. This duty seems to have been enforced from early ages; hence their emblem of signature, the "*bangy*." This settlement was drawn up and sanctioned by Government for ten years, with a clause to the effect that the rates could not be altered or enhanced without the approval of Government; but unfortunately this was infringed by the present chief after Colonel Johnson's departure.

A new settlement was made among the Bhuiyas by Mr. H. P. Wylly, who was the Government Agent after the rebellion of 1893; and the rates were again fixed at annas 13 per plough and 6 annas 6 pie for a house, with the school-tax doubled, and on those villages which objected to the thatching of the State buildings, a further demand of annas 3 each was imposed. This has been carefully laid down in the printed "*pottas*" and leases given to the village headman.

The Bhuiya village still retains the migratory features common to the nomadic husbandry of the aboriginal tribes. When a clearing shows exhaustion, they abandon it and break new ground, changing their village sites about once in twenty years. Their agriculture depends entirely on "*jooming*" the hill sides, which they hold for three years. In the first year, after burning and cutting the jungle, they grow cereals, in the second year paddy, and in the last year vegetables, and occasionally some grain. It is natural that, where this mode of cultivation is allowed, the loss is something enormous, as it means the annihilation of the primeval forests. It is a common sight to see hill after hill, as one marches along, laid bare by this destructive policy.

There are in some few villages a few acres of wet cultivation maintained in a primitive way. Priority of occupation forms the only origin of right. No complicated tenures exist, every man tilling his own field, and acknowledging no landlord. In the Bhuiya land-law, as in their political organization, we find the family the basis of the structure; but the principle is modified by individual considerations. The right to the soil depends upon priority of

occupation by the village, and, within the village precincts, upon priority of cultivation by the individual. But where land is abundant, not one-tenth being appropriated, the occasion for disputes is minimized, and, by a prehistoric mutual arrangement, no man will cultivate by force land that is not his property, but only on satisfying himself at the village council that arable land is lying fallow for want of a tenant, will he bring it under cultivation.

The law of inheritance assumes that no person should possess land who cannot maintain it. Agricultural stock and landed property descend, without exception, in the male line, the sons dividing the proceeds; and, in failure of sons, the land goes to the next male of kin. The daughters have a claim on all moveable property, and the protection of their brothers, as long as they remain spinsters.

The tribe which lives under this simple law and family government, exhibits primitive virtues which more civilized people may well envy.

The fact that infringement of old rights, whether it be landed property or social custom, is regarded with so much disfavour, coupled with the strong conservatism of the Bhuiya peasant makes an innovation a dangerous matter; yet the brilliant work of the two officers mentioned has been attended with marvellous results. The former came to this State most probably without a knowledge of their language, and the other had no experience of their character; yet both of them succeeded in gaining the confidence of the Bhuiyas, by sympathising with all their quaint customs, till their names became household words among them, and they were looked upon as benefactors.

Among primitive classes, it is well known that it is not the wisdom of a policy so much as individual influence that makes difficult projects surmountable. This makes the work of the officers the more worthy of appreciation. As foreigners, they must have assumed an attitude of justice and firmness, combined with consideration and adherence to their word, as a wild tribe does not understand wavering and subtle dealings, till they eventually, in the course of a short period, won the heart of the Bhuiyas. This system of revenue and disposal of soil is prevalent among the "Paharia Desh" Bhuiyas who inhabit the tract called the Bhuiya Pirs; but the "Desh" Bhuiyas who have settled in the Dundapats, are exempted from it, and they pay rent at the prevailing rate of the State, and so have lost the simple land-law that obtains among their brethren of the Bhuiya Pirs.

Besides rent, all sections have to supply large logs once in two years for the axles of the car at the Car festival, and thick ropes, made of creepers, to drag the structure. This they do

in combination with the other castes inhabiting their pergunnahs. Until lately, they had to transport the logs at their own expense, but at present daily wages for the carriage of the logs are sanctioned.

The system of collection is simple, but sufficient for so primitive a settlement. An individual demand statement is given to the Padhan, or Headman of the village, who himself is the possessor of a "Potta" minutely detailing the claims which the State has on his village, and he on the State. The Padhan collects the house and plough tax, and hands it over to the Pir Sardar, who has been furnished with a demand statement of his Pir. The Sardar, after collecting the amount, pays it into the treasury.

The appointments of Sirdar and Padhan lie with the State, though hereditary rights and the wishes of the people are consulted, and every consideration is paid to their representations. As a badge of appointment, these men receive from the chief a strip of silk to wind round their head, which makes the title permanent, and is called the "Siropa." Both these officers receive, as compensation for their trouble, a small percentage as commission, but to this they do not attach so much importance, as will be seen from the question discussed in another part of this narrative.

The small quantity of rice they reap lasts them only a few months, though exchange of other cereals for paddy keeps the pot boiling. Rice is far from being the staple diet of the Bhuiyas, and is used only as a relish at intervals, or for feasts and festivals. Fruits and bulbs and jungle products are gathered for consumption, many being the fights between the wild animals and Bhuiyas for the rich harvest.

RELIGION.

The religion of the Bhuiyas is practically one of blood. Numerous terrible gods dwell upon the earth, in the waters and sky, each and all of whom demand certain rites of propitiation by victims. All their gods are devils who, if not appeased, will bring destruction on them; the good spirits are left alone. Their religion embraces certain sets of deities unmistakably aboriginal, combined with others of mixed and doubtful origin, and lastly some purely derived from the Hindus.

The first set number no less than ten mighty deities* who dwell in their forests and villages, the chief god being the earth god, and his son the tiger god, who was supposed to have been killed by a tiger. Coupled with the earth god is the harvest god. Next in rank are the village mother god, the water god and the deities of forests, air and rain. The god of hunting is allowed a place in the second rank, as are the ancestral gods supposed to be the

- *1. Boddum.
- 2. Gisari.
- 3. Boradipat.
- 4. Sentapat.
- 5. Byturneepat.
- 6. Luckmipat.
- 7. Mundulpat.
- 8. Mahatakorani.
- 9. Parial Bagia.
- 10. Pithnupat.

souls of the departed, and placed in each house by the village priest. The symbols of these gods are stones or logs, placed under some lofty *sál* trees set apart for their devotion.

Though the Bhuiya Pantheon consists of native and of imported gods, yet their priesthood is confined to their tribe, and the hereditary priesthood exists among them. It is not the fact that a man bears the surname of "Deori," or priest, that entitles him to the priesthood of the village, but superior personal fitness for the office. He can intermarry among any of the Bhuiyas that belong to his tribe, and quit the office at pleasure.

Their form of oath is on a tiger-skin, holding in their hands a little earth from an ant-hill. An oath is looked upon as final. Nothing can annul an oath made on the sacred skin; and the person is bound to speak the truth, as his failing to do so will surely make him a victim of the royal beast at an early date.

Feuds cannot be considered as completely conciliated till the ceremony of extinguishing fire is performed. This has been dealt with more fully elsewhere.

Trial by ordeal is a favorite mode of decision. The Bhuiya believes that a person who can dip his hand into a boiling mixture of cow-dung and water without scalding it and take out a piece of copper, generally a coin (considered the emblem of justice), is innocent, or, if the accused party can with precision pour a mixture of milk and rice from the summit of a swaying ladder with twelve rungs, about 18 inches apart, into a circle below him, that has been sanctified, or, lastly, the most severe and dangerous ordeal, if he can carry in the palms of his hands a red hot piece of iron, about a pound in weight, having as a slight protection seven green peepul leaves between each, a fibre of a creeper (*Bauhinia Triandria* Rox.) a distance of seven paces, he cannot be guilty. The losing party, being expelled from the village, makes his abode in a isolated spot some three or four miles from the old village, or, if he prefer it, leaves his old haunts and emigrates to the plains, in the hope that the terrible scourge pronounced on him will be obliterated among his new associates.

Their religion, rude as it may seem, exercises a deep and practical influence on their lives, and public opinion exerts, among these secluded homesteads, a power which it has long lost among more civilised races. To do right and worship the village gods may seem to theologians an extremely inadequate rule of life; but no one who strictly adheres to it will ever find himself as an accused in a Court of Justice.

Their ceremony of call to arms, or gathering of the clans for any important business, resembles in its rapidity the

"fiery cross" of the Scottish clans, coupled with the quaint custom attached to the sign.

A few of the representatives meet and call themselves the "Mahadesh," the priest sanctifying the gathering, on which the fibre of a creeper (the *bauhinia triandria*, Rox.) is procured and made into a thin rope, in which three knots are tied, the first in the name of their god, the second in that of their

†1. Mahatakorani.

2. Maharaja.

3. Mahadesh,

Raja, and the third in the name of "Mahadesh."† After these knots are a certain number of small knots to represent the number of days that must elapse before the gathering; the affix "Maha" meaning great or powerful. This done, the sacred emblem is given to some young man to circulate, and he immediately departs with it to the neighbouring village, passing it on to the first man he happens to meet, who in turn is bound to carry it on without delay to the next hamlet. In a few hours this rude muster to a gathering will have travelled to every hamlet of the Bhuiyas. Sometimes more than one of these emblems are forwarded, if the distances are great.

Though the Bhuiya attends the festival of the Hindu god at the capital of the State for the "Car festival" and the "Dasahra," it is more from custom, combined with the labour they have to perform at such periods, than with a religious purpose.

Among the Bhuiyas two festivals are kept up with all religious zeal, totally distinct from any Hindu festival or custom. The first of these is in the month of February. It is called the "Magh Porai," and is without any fixed date, as the villages in the neighbourhood take it by turn to observe the ceremony, to which the remaining villagers congregate. It is on these occasions that the Bhuiyas give way to frightful debauchery and intoxication, the foulest songs and jests being essential for the propitiation of their god, painting and covering themselves with filth to give the whole scene a more debauched appearance. Women, though they do not drink, yet join freely in coarse ribaldry, especially the maidens. This ceremony continues for three days, during which all respect for blood relations and husbands is set at nought, and even sisters and brothers make indecent jokes regarding each other.

At the "Korama" festival, after the harvest, a repetition of the debauchery prevails; but the festival has an object, the joining in matrimony of two branches of the "Korama" (hence the name of the festival) tree, as king and queen. The two branches are placed in the ground, the union being looked upon as essential for a year of plenty. Snakes and birds are caught and netted; the former, after having their lips sown together, are set loose among the women, and the birds, tied

to branches, are shot at and pelted with arrows and stones. There is yet a third festival, called the "Gama Punai," taken from the Hindu festivals, when once more the savage scenes are repeated. The striking difference between the Bhuiya feasts and any Hindu carnival is that there is no fixed date, though there is a casual limit to the days allotted for them, extending in some instances over a month. At all these festivals, there is great feasting and drinking, with dancing galore. Many candidates for matrimony make known their feelings to their lovers on these occasions.

The hunting festival, "Okin Pardi," is one in which all the male population must join, and lasts for two days. Each village has its own "beats," and, should a wounded animal escape, the party (who are born trackers) will follow it with deadly precision and secure it, no matter what the distance. All the spoil is carried to the Padhan of the village, who gives the successful hunters pieces of cloth, varying in length according to the nature of the dangerous animal they have shot, six yards being considered a good price for the slaying of a tiger. The women perform the ceremony of washing the feet of successful shots, and all rejoice at the day's work over the flesh-pots. The lion's share of the flesh and the skin go to the village headmen. Should the hunters hear of one of their wounded animals falling a victim to the arrow of another village, and they conceal the fact, it promptly becomes a dispute to be settled by the "Desh." These privileges are carefully watched, any infringement of the rules being considered a serious offence.

All illnesses are considered visitations of some terrible deity, which must be instantly propitiated. There are no specific medicines used, but what the "Deori," after consulting with the gods, directs, ending usually in the sprinkling of water on the invalid.

The cow is regarded as sacred, and its slaughter or consumption is considered an offence to out-caste a Bhuiya. Though they employ her in the cultivation of their fields with bullocks, the cow is never milked; nor will a Bhuiya drink milk.

ASSIMILATION.

At first sight it might seem probable that this wild tribe must gradually die out with the advance of civilization; but, on considering the following points, the reader will judge for himself that such is not likely to be the fate of this interesting people, though all their prehistoric customs may pass away under the influence of civilization.

When Gwalas and other castes were imported into their mountain fastnesses for the nurturing of the young king who tradition says, was stolen from the semi-independent State of

Mourbhunj, it was solely with the view of their becoming domestic servants of the lad ; but in time these castes, having imbibed many of the Bhuiya customs and having settled villages among them, were allowed, though seldom, to intermarry with the Bhuiyas. This assimilation is still countenanced, and I have, when on tour, seen marriages between Gwalas and Bhuiyas. Gwalas, too, have been known to keep Bhuiya women as concubines, their offspring in some instances calling themselves Bhuiyas. Where this custom is allowed, it is an impossibility for the tribe to die out ; in fact I am told that the Bhuiya tribe have increased enormously, and from this cause have been forced to emigrate from their old homes in the Bhuiya Pirs to the plains and other surrounding alluvial hill-tracts. It is natural that, where assimilation is allowed, the tribe should increase.

As a further proof that assimilation is allowed, I venture to put forward these facts, and leave the careful reader to draw his own conclusions.

The Bhuiyas have many surnames, the chief among them being "Naik," but, among many of the other names, foreign surnames can be detected, though in some instances the word has been distorted by usage and false pronunciation. Thus Prodhan, the Gwala surname, they have turned into Padhan ; the title Pan into Pahan ; Mahanty into Manty ; while other surnames have merged into a hereditary title, originating from the service they performed to their early chiefs, for instance, Karji, Kotai, Mullick, Muntri, and a host of other names. Where intermarriage has taken place, the straight hair of the Gwala and other castes is detected, while the features have an Aryan look, especially the aspect and bridge of the nose.

The device of giving a person a nick-name, to distinguish him from some one else of the same name is prevalent among the Bhuiyas ; and even in the case of a new settler in the village, they affix the name of the village he has left to his proper name, as an example of which we have "Kado Kolia" Sahib Naik, the first word being the name of a large village in the hills.

The most trivial event happening in a village on the day of a child's birth will give the parents an opening for a name. If a European accidentally passes through or camps at the village, the child is promptly christened, Sahib, or Gora, as his Christian name ; or if it happen that a Musulman, or a dealer, a peon, or a constable, travels by, they will take advantage of the circumstance and name the child respectively Pattan, Mahajan, Chuprassie and Sipahi. Even the anniversary of some festival will give rise to a name, such as "Sonia" (the first day of the Hindu new year), or "Rujo" and "Dasera."

GENERAL REMARKS.

The Bhuiyas appear to have passed the first stage of wild life—hunting. Though it is still an occupation much esteemed among them, yet no one lives by it exclusively at this day. The second and third stages, of nomadic husbandry and agriculture, exist among them; but only a small section has adopted the last stage, which is more a compound of the second than pure agriculture. Under a well-ordered Government, no doubt, the second will be rapidly abandoned for the agricultural stage. The mode of cultivation is exceedingly simple and primitive, and almost identical with that of other wild tribes, though they are widely separated from, and have no connection with, each other. It is known among them as "Dhaihi" cultivation. Abundance of virgin soil being around them, they are continually moving about, from choice, carrying their herds and flocks with them; in fact it is imperative on them to do so, owing to the general scantiness of the food-grains raised by them.

The country abounds with game and fruit, and these form additional articles of food for them, and make them practically independent of their crops in unfavourable seasons. The jungles abound, moreover, with tigers, leopards, and other dangerous animals, making it a matter of necessity to the Bhuiyas to acquire the art of killing them.

Of themselves, they have never sought at any time to cultivate the acquaintance of their neighbours, preferring to remain in barbarism in the remote country selected by their ancestors, and thriving best in that locality where no other human being could have existed. The country is thinly populated, and the Bhuiyas have few children. But they are robust and healthy everywhere, the only explanation the result admits of being that they have become accustomed to live and flourish on the noxious exhalations they breathe.

The country is little visited by strangers. Every man makes his own house, conducts his own agriculture, and brews his own beer, which makes them still more independent of foreigners. Mahajuns do, however, move among the Bhuiyas during the cold weather months, when the country is healthiest.

No more suitable system could be adopted than the mode fixed at present for the realization of the revenue, though perhaps it would be better if payment in kind and certain labour were commuted for money payment. It would be more satisfactory, and prevent friction with the authorities. Patience would be required, and every opportunity should be given to discuss the system with the Bhuiyas, and, once they were shown the benefit that would accrue from such an arrangement, they would accept the change. No lasting result can be attained

by making the Bhuiya swear allegiance to his chief, and expecting him to abide by his oath. Remove the cause of contention, and there will be no need of administering vows. Thus quieted, peaceful occupations could be taught them, and education introduced on a liberal footing, which would induce habitual rovers and hunters to settle down as cultivators, and to colonize their own hill-sides.

Their independent character and love of freedom have been regarded as disloyalty, but we cannot judge them by the same standard that is observed in the plains. Their truthfulness and honesty, at least in their dealings with each other, is remarkable. Their right to the soil appropriated by them they consider unquestionable. The Bhuiya says: "I am the proprietor of the land." But this is only an assertion of right against their chief; no conflict arises among themselves on this account. Crops are raised and cut without contention. The small granaries are left unprotected and unsecured, as no one thinks of appropriating what does not belong to him.

A rude respect for woman is seen among them; yet, in their festivals, they indulge in debauchery and obscene language among the sexes, and this has contributed to their degradation. At the same time private morals are so carefully watched over, that unmarried boys and girls of both sexes are kept apart at night, not only from each other, but even from the married members of their own families, lest there should be any lapse of virtue within the family circle.

The Bhuiyas have a very inadequate idea of God, though they admit His existence, and the existence of the soul in futurity. These notions on religion are partly borrowed from the Hindus, and modified to suit themselves.

The rites at births, marriages and deaths, are all observed and followed with fidelity, and there is nothing revolting or degrading in them.

D. A. MACMILLAN.

KEONJHUR,
Orissa.

ART. VIII.—UNIVERSITIES IN BELGIUM.

I.

THE hospitality shown in Belgium to British students appears to justify a short notice of the Belgian Universities with special reference to the Free University of the capital. At the last annual examination of which the records are forthcoming, out of 996 students who presented themselves for the Entrance examination, 693 passed, nearly half with honours. Of those who aspired to the diploma of M. D., 121 were foreigners, of whom more than sixty per cent. were British subjects, including nine natives of India. The degree stands high in the estimation of the medical world, many of the first physicians of the day—like Dr. Robson Roose—bearing it as their professional qualification. But, although it is plain that such a cosmopolitan system has more than a merely local interest, it is at the same time true that there is something in the constitution of the four Belgian places of study which is closely related to the circumstances of the little kingdom.

The population of Belgium, though not fused, is composite; the Flemings in the north-west are Teutonic by race and Catholic in creed, the Walloons on the south-east being more or less French in blood and manners; while the people of Brussels, long inured to the society of foreigners, and speaking both French and Flemish, are a special community, cosmopolitan and cultivated. It was out of such determining conditions that the different Universities arose, in the first and second quarters of the nineteenth century: the beginning being made by the House of Orange, to whose kingdom the country was annexed by the Congress of Vienna.

The two State Universities thus constituted are at Ghent and Liège, the former in the country of the Flemings, the latter in that of the Walloons. The buildings at Ghent comprise an Aula, or Theatre, built in the style of the Pantheon, and capable of accommodating nearly two thousand persons, besides schools of arts and of engineering; the students average nearly one thousand in number, and are mostly preparing for the "Ponts et Chaussées," or—as would be said in India—the Department of Public Works. In the Walloon province, at the other end of the country, is the University of Liège, with 1,400 students and a large staff of teachers, amongst whom have been the geologist, André Dumont, and the famous economist, Emile de Laveleye. Liège is not distinguished by architectural effort, but there is a large library, and the natural history museum contains interesting collections of fossils; new build-

ings have also been erected on the site of the original Aula. The teaching is particularly distinguished by the success of its graduates in mining-engineering; and there is also a training school for teachers, or *Ecole normale des Humanités*.

These two institutions are all that the State has continued to maintain; but private enterprise has founded two others, the Catholic University of Louvain and the Free University of Brussels already mentioned. The former of these is a modern reconstruction of the celebrated Divinity School of the Middle Ages, which was suppressed by the French Directory in 1797. It was established, in its present form, in 1817; the Belgian Bishops being unwilling to leave the education of the higher kind in the secular hands of the State. Consequently, though comprising the usual Five Faculties, it has always been especially the school of theology and of law, and is largely attended by scions of old families adhering to orthodox opinions. True to its original principles, the University attracts young men from a distance by providing for them board and lodging; and it may be regarded as the central focus of all that is conservative in Church and State.

Last in point of date comes the educational machinery of the capital. The necessity for a special organising of the higher education does not appear to have been strongly felt so long as Belgium continued to be a province of the Netherlands, a sort of Dutch Ireland, with two public places of instruction and graduation under Government control, supplemented by a voluntary institution conducted in the special interests of orthodoxy. The Free University of Brussels originated in the stir of minds engendered by the Revolution of 1830; and it owes its inception to the energy of M. Théodore Verhaegen. The first and fundamental idea was to create a self-governing academy of the widest instruction, based on voluntary effort, and governed by a body chosen by the benefactors out of their own number. Little by little, the members of the teaching corps were admitted to the administration, thus approaching more to the old conception of a University as a corporation of masters, doctors, or professors. The four faculties are located in a fine building belonging to the Town Council, which has always taken an intelligent interest in the undertaking. The teaching is distributed into faculties, from which theology is excluded; and a Polytechnic school is affiliated: the students have also the use of a laboratory, and a magnificent museum of scientific objects is at their disposal in the Parc Léopold, some distance away.

Unfortunately, the University, not being incorporated by any Royal or Parliamentary Charter, does not enjoy what is known as "civil personality." Any money that may come into

possession of the governing body can doubtless be locked up in a safe, of which some high official can keep the key. That is so; but the administrators cannot sue or be sued, receive bequests, or hold real property in a corporate character. They occupy the University buildings as long as the municipal authorities are in sympathy with their objects and principles. But political views are mutable; and a Catholic majority, on the one hand, or a socialist majority on the other, might evict the Free University and turn the buildings into a church or a music hall.

The Free University thus constituted was opened in 1834, soon after the final establishment of the Kingdom of Belgium, on liberal principles and under the guarantee of Europe. As implied above, it was to be an institution, on the French and German models, free of all control, whether from State or Church, and therefore entitled "*Université Libre*," or Free University, as it is still denominated. The Government was vested in councillors coöpted from among the original founders and benefactors. The scheme has endured and done good work, with occasional modifications of detail, for more than two generations. Men of something more than mere local distinction have directed the fortunes of the University; the Professors of the various Faculties have been gradually associated in the administration; and distinguished pupils have been launched into life, of various nationalities and of both sexes. In comparing Brussels with an Indian University, we must make allowances for national and political peculiarities; and we must remember that its object is tuition, no less than graduation.

The date of its foundation, no less than the express language of the founders, must be taken into consideration, if we would realise the full intention of the undertaking. The period which immediately followed the fall of Napoleon Bonaparte was marked by the prevalence of a sort of middle-class Liberalism, of which a prominent feature was opposition to Ultramontane clericalism. No sooner, therefore, had the Belgian Bishops adopted the buildings at Louvain for the purposes of the Church, than a movement began for the propagation of secular knowledge. The Prelates had announced that they aspired to "lay bare heresies and innovating errors, and to procure the repudiation of all opinions not emanating from the Holy See." Verhaegen and his friends replied that this was a scheme of education worthy of the Dark Ages, to oppose which they proposed the establishment of what they proposed to call "The Free University of Belgium:" but the last word was, ere long, altered to "Brussels." The active participation of the city was perhaps a factor in this alteration: which may have been

further recommended by the consideration that, besides the clerical institution just described, Belgium had already its two State Universities in full working order.

Since the date of its opening, the Free University has progressed in distinction and usefulness, especially in the teaching of surgical and medical practice, while attracting students from many distant countries, including England, India and America. Renouncing the ties of party, it has held aloft the torch of knowledge; it was once somewhat in advance of average Belgian opinion, but it has animated popular aspirations, until it has obtained its reward in a somewhat unwelcome shape, being accused by the more excitable of lagging in the rear. As already observed, no charter of incorporation has ever been obtained; yet Parliament has from time to time interposed in respect of the scheme of instruction, as also for the appointment of examiners, and for regulating the conduct of examinations. The University building is imposing in appearance; nevertheless objections have been heard against the situation—which is in an old part of the town called Rue des Sols—and the interior is both gloomy and somewhat inconvenient. Such as it is, however, the academical authorities have probably made up their minds that they are not likely soon to get better accommodation; though it must be admitted that the great distance of the collections and laboratories in the Parc Léopold is a serious inconvenience. But these matters belong to the system of tuition in the Medical Faculty and to the conditions of student-life.

For the moment let us consider, first, the chief characteristics of the Free University as a graduating body, and note the machinery that it possesses for hall-marking the attainments of young men who come under its scrutiny and the afforded proofs of their industry and skill.

The system aims at combining economy with due efficiency, and is well adapted for that end. The students who succeed in satisfying the examiners in the final ordeal obtain the diploma of "Doctor," and are then entitled either to practise in their respective directions or to become what in French is called "Agrégé," practically corresponding to the position of the "Regents" who formed the nucleus of the original University corporations of the Middle Ages. An Agrégé is a sort of supplementary, or potential, Tutor, without salary, but empowered to teach and vote in the Faculty to which he may belong. Of these Faculties there are five;—Philosophy and letters; Law; Science; Medicine, and applied Science; each Faculty being, in effect, composed of its professors and the attached Agrégés. None of these persons are allowed to give instruction to any but matriculated students, though, under

recent arrangements, they often give "extension" lectures, even in the halls of the University. In one point the Belgian system is unique: there is no Bachelor's degree, a peculiarity as much deplored by friends as it may be criticised by cavillers, and for the existence of which no substantial reason has been known to be assigned. Every "candidate"—of which term a word will be said presently—has a right to present himself with an original treatise before the president of his Faculty; he will then claim to undergo a public examination before the members, and to sustain and debate upon the subject of his treatise. If successful, he receives a Doctor's diploma in the respective Faculty, after holding which for two years he may apply to be enrolled as "special Doctor" and *Agrégé*. But otherwise there is no half-way house between becoming a candidate and the full degree, the inconvenience of which is acknowledged by many who are interested in the matter. Among the young men who attend a Belgian University there must be many who have no ambition to become Doctors or *Agrégés*, yet to whom a lower degree would be of considerable utility, enabling them to seek tuitional and other employment outside the University walls.

These matters are, in point of fact, regulated by the State, in what is called "The Law of 10th April 1890"; by which it was determined that there should, in Belgium, be only two degrees, that of candidate and that of Doctor. What the doctorate implies, we have already seen. To become a candidate, in one of the higher subjects, the student must first obtain the grade in one of the lower. Thus, the Candidate in Law must have qualified in letters: for admission to the doctorate, he will thus have had to pass as a candidate, not once, but twice. Some remaining details of the graduating will fall to be more appropriately dealt with when we come to the subject of student life, and consider it from that point of view.

In the meanwhile, let it be noted that the constitution of all the existing Belgian Universities is so far of a common and uniform type that it rests upon a complicated structure that has grown up from time to time, rather than upon any distinct or conscious logical conception. Regulated more by the needs of the passing hour than by any minutely framed scheme, these Academies—and especially the Free University of Brussels—must be regarded as depending on the mutual good-will and co-operation of various bodies; the Professors, *Agrégés*, and the students themselves: the whole being organised under the Statutes of each based upon the Law of 1890, cited in a previous paragraph. In the case of Brussels each Faculty sends a delegate to the superior Council of the University; where the *Agrégés* also have a representative. It is not easy to explain the

difference between the duties of the two bodies between which the administration is divided, for both exercise very similar functions, and many of the members of one have seats at the other. It may, however, be as well to notice that the executive—or “administrative”—Council is charged especially with questions concerning the higher instruction, and regulates, as supreme authority in all departments, the changes which appear from time to time requisite, either in the general interests of education or in the more particular interests of the Free University. It issues a yearly Syllabus of studies on the advice of the Faculties ; and it takes into consideration reports and complaints, whether from students or teachers. In order that the Council may discharge with due efficiency all these and the like important duties, great care has been taken to provide for it a constitution such as will ensure the requisite impartiality and skill. There is also an “academic council,” which consists of the presidents of Faculties with elected delegates, its Chairman being chosen by the whole body of Professors in General Assembly. This Chairman is called “Rector,” and he sits for a year, with power of re-election for one year more. The functions of his council are consultative, the last word—as well as the first—being with the first named body, or “Council of Administration.”

The constitution of this body is as follows. The representatives of the benefactors elect seven members, two of whom, at least, must be chosen from the existing professorate : the Rector is, *ex-officio*, one of the Council, as are also the two last Rectors, with a delegate annually appointed by the Professors, another elected by former students, the Burgomaster of Brussels, and some others. The president is “Inspecting Administrator,” an officer chosen for ten years, with the solemn mission of “watching over the observance of the Statutes.” The Syllabus, the lectures, the expenses and accounts, are all under the nominal control of this exalted functionary, though it may be that the duties are mostly discharged by humbler hands. Such is the hierarchy to whose care the Government of the Free University of Brussels has been confided by the Statutes.

II.

The twofold character of the University system in Belgium resembles that of Scotland : the machinery for examination and conferring of degrees has, indeed, as we have already seen, some peculiarities, but it is combined, in each of the four, with provision for imparting a methodised instruction to matriculated, but not domiciled, students. Having described so much of the Government and administrative machinery as appeared

likely to be found interesting, we have now to glance at the disciplinal and social aspect of the Universities. In so doing, we shall continue to take our facts from the *Université Libre* of Brussels, as not only the largest and most important, but also as that which is the most attractive and useful to British students. We shall also have to consider the system of graduation, from the student's point of view.

From a beginning of 95, the numbers at Brussels have gradually risen to about 1,400, of which nearly one thousand present themselves annually for the lower test in the various faculties. Since the year 1880, the classes have been thrown open to female students, of whom a few have graduated, some with high honours. The mixture of sexes appears to be carried on without any difficulty; and it has been officially reported that the young men make it a point of honour to treat the girls "with respectful deference."

In respect of religion, the Free University is bound by its very name to maintain a strict impartiality. Nevertheless, it is evident that its advantages have enabled it to carry out its latitudinarian principles without giving offence or adopting an aggressive attitude. Catholic youths sit on the benches of the lecture-rooms side by side with Protestants, Buddhists, and Hindus; and here also (as in the mixture of sexes) the association has been free from scandal. In the early days of the University, some genuine anxiety may well have existed in the minds of Belgian parents; and the clergy were not backward in sounding a note of alarm. They spoke of "godless education," and the dangers to which young virtue was exposed in a city-life. The University of Brussels led direct to the infernal regions; and it was in itself a favourite abode of Satan, who spoke by the mouths of infidel professors and surrounded the students with all the seductions of scepticism and sin. The challenge was promptly taken up. The excellent Verhaegen, the father of the University, boldly declared, in a public speech, delivered at the autumn session of 1839, that in the first five years of the institution nothing "had happened to justify anxieties of this sort." "I ask," he said, "whether any city of Germany or France affords less danger to youth than Brussels, or whether any citizen of Brussels has had any just reproach to bring against our youths during the past five years?" As to corruption of character due to the undenominational nature of the education afforded, Verhaegen, if he were now alive, could point to the lawyers, physicians, and statesmen, not of five, but of more than sixty, years; to Anspach, Bará, De Brouckère, H. Donis, Goblet d'Alviella, Rommelaere, Tiberghien, and Van de Weyer, names honoured in their own country, and even beyond its limits, for learning and good service.

An English observer, of course, notices, not without regret, that the youths wear no academical costume, and that there is no manifestation of general association, or what in French is called "solidarity," among the students. There is, among the young men, scant appearance of common action; no debating society, not even the gown, which elsewhere distinguishes the student where he is not rendered conspicuous—as in Germany—by other peculiarities of costume: at the most, some of the young men may be seen wearing a cap on which is an embroidered badge. But there is no such thing as a Volunteer Corps; no Hall or Chapel; the young men are often utter strangers to each other. A Club, however, has been recently opened for the first four Faculties, and the medical students have had, for some time past, another amongst themselves. Groups of youths who are friends, board, and even lodge, at the same houses; the general charge being eight francs a day—say six Rupees. The experiment of what in England is called a "Hostel," an official boarding-house where the inmates can be under surveillance and discipline, was tried in 1837, but abandoned in the following year: another attempt is said to be in contemplation; and it seems probable that a properly managed "Students' Home" may be in working order next year.

In 1849 occurrences of a somewhat serious nature were threatened; and the whole academical system of the country was deeply, if not permanently, affected. Diplomas were thought to be obtained too easily and with no sufficient uniformity of method in Belgian Universities; and the Government of the day deemed it a duty to scrutinise the system under which Examinations were held and degrees conferred. The result of the enquiry was a project of law for the creation of a National Board; but the friends of the Free University, in the Chamber of Deputies, raised a strong opposition to the Bill; fearing that it involved some sinister design upon the principle of Liberty, which was the peculiar property of their institution. A Conservative Ministry, favourable to Ultramontane Catholicism, might, so they supposed, introduce regulations and subjects which would have the effect of bending the young minds and forcing their convictions. As, however, the need of some regulation appeared undeniable, the Liberals proposed an amendment to the effect that the Board should consist of members elected by all the four Universities of Belgium on equal terms. In spite of their arguments, the Government majority naturally carried the Bill; nor, indeed, was it wholly devoid of claims to favour. It was urged, not without show of reason, that the functions of teaching and of degree-giving were not only different, but were better left in different hands. It was, doubtless, the office of the Uni-

versities to impart instruction—each in its own fashion—and with that work the State would not interfere. But the conferring of diplomas was a concern of public policy, forming an antecedent condition essential to the exercises of certain functions affecting the general welfare. It was, in fact, an exercise of authority, which ought not to be exposed to risks from partiality, opinion or caprice. Accordingly the Bill became law for the time; and a Board, or “jury,” was constituted, holding its existence and authority from the Minister of Education, but renewable annually, and presided over by an official not connected with any of the Universities. The members belonged to the three secular bodies, Ghent, Liege and Brussels; but the arrangement, whilst it lasted, proved by no means successful in producing uniformity, whatever incidental advantages it may have possessed. Among these must be reckoned that it drew together the Professors from distant and different seats of learning, to gather around the same table and compare notes as to the methods pursued at this and that University, and exchange views as to future reforms. But the benefits expected were not realised in full, least of all by the students. Great variations were soon observable: the value of the diplomas indeed may have been raised, but, so far as the degrees at Ghent and Liege went, the ordeals became unexpectedly and illogically hard; whereas, in the case of Brussels, it appeared, no less strangely, that the tests of the new Board were less severe than had been those in force when the studies were examined by their own Professors.

From the temporary combination thus created Louvain held aloof; and in 1856 the Bishops endeavoured to mark out and strengthen its peculiar position by an open attack upon the Free University of Brussels. Denouncing the founders of the Free University as perverters of youth, they taxed them with “having organised a conspiracy for the purpose of arresting religious progress and opened to young men a spring of incalculable woes; pouring forth poison, displaying the banner of impiety, and being the emanation of a secret Society, which wrapped itself in mystery.”

These eloquent denunciations, which were perhaps only the rhetorical expression of a preference felt by the right reverend Prelates for their own University, naturally called up Verhaegen. At Louvain, he grimly replied, history can be distorted, the teaching of science mutilated, and revelation put above truth. But Brussels had equal rights: the Free University was a temple raised by the liberal spirit of modern times, an institution unique in the world by its programme of conveying progressive discoveries without regard for persons,

privilege, or prejudice. Her instrument was reason ; her method free discussion ; her twofold object to combat unreason, and to raise gradually a standard of verified truth. In these principles he believed with a sincerity which—whether or no we approve—we shall find successful in making them the permanent policy of the University as a source of instruction. The teaching inspired by Verhaegen continues to combine criticism and construction forming a practical synthesis based on a searching and sincere analysis. In all inquiries into Belgian academical life, we must bear in mind this fundamental distinction. In the regulation of degree-giving by the State, whatever may have been its theoretical advantages, or—so long as it lasted—its practical results, each University now pursues its own methods. Ghent and Liege are schools of practical and technical instruction, maintained in the interests of the public service ; Louvain preserves a theological and political conservatism, which may have its uses as a brake on hasty progress ; Brussels has preserved, for more than sixty years, a fidelity to principles which, inspiring the beginnings of the little kingdom, have since continued to distinguish it from every other continental nation.

In 1876 the system of National Boards came up for revision and the Jury system was discontinued, after anxious debate, in which the Free University sustained the cause of liberty to which its name engaged it. Three years before a polytechnic school had been added to its original Faculties ; in doing this the Free University followed the lead of Louvain, and entered into competition with Ghent and Liege. But the innovation caused some modifications in practice, which were thought especially urgent in connection with the Jury system, as it might introduce into technical instruction a too rigorously pedantic uniformity. The ultimate result was that the Chamber adopted the determination to surrender all control over the conferring of diplomas ; preserving, however, a Committee of ratification ; “a Byzantine mechanism,” as its opponents said, by aid of which eight ex-officio gentlemen imparted their sanction to a document of whose value they were absolutely ignorant. On the whole, Brussels emerged honourably from the crisis. In the three years preceding the new law the combined Jury had granted degrees to over seventy per cent. of her alumni ; the committee of the University passed only about sixty-five in the three years which followed. In the same period Louvain increased the number of her diplomas no less than 10 per cent., while at Ghent and Liege there appeared but little contrast between the two methods. These facts point to the conclusion that the system of the Free University had been more vigilant and upright than the others.

At the same time that the State withdrew from the direct control over graduation, it admitted the Brussels alumni to a share in the scholarships, or bursaries, already open to the students elsewhere. As at present organised, these "encouragements," as they are called, consist of gold medals, prizes in books and in money, and some liberal annual exhibitions. All can be gained by the students of every Belgian University ; most of them, under certain restrictions, are open even to non-matriculated men.

Finally should be noted the very liberal hospitality of the Free University of Brussels to medical students of foreign countries. Any qualified practitioner, of whatever nationality, can matriculate at Brussels, and, on satisfying the Examiners, receive a diploma of Doctor-in-medicine. Advantage has been largely taken of this by British medical men, of whom nearly seven hundred are said to hold the Brussels degree. The examination is a reality, and involves three separate tests ; the 1st in Therapeutics, the 2nd in Surgery, the 3rd in Clinical practice ; these examinations being all held with the utmost possible publicity and lasting about twelve days. The fees aggregate £22 sterling.

All these points merit consideration by Indian parents on the look-out for a career for their sons. Brussels, as a residence for lads, presents fewer temptations to expense and idle dissipation than London ; and the Medical course is shorter and less expensive than any other of equal value and importance.

H. G. KEENE.

THE QUARTER.

THE storm and stress which characterised the period we reviewed in our last number have shown little or no sign of abatement during that which now occupies us. The African Continent has continued to be the principal scene of action, but the area of the trouble in the South has extended, and a fresh centre of disturbance has developed in the North. In the Transvaal interest has centred in the trial of the Reformers, as the Uitlander conspirators are called, at Pretoria, and in the negotiations between Mr. Chamberlain and the President. The trial ended in the conviction of Messrs. Phillips, Hammond and Farrar, Colonel Rhodes, and fifty-nine others, the first four being sentenced to death for high treason, and the rest to two years' imprisonment, to be followed by three years' banishment, and a fine of £2,000. These sentences have since been commuted, the first, provisionally, to fifteen years' imprisonment, and the second to fine, the imprisonment having been remitted, and the banishment made avoidable on certain conditions. The negotiations, as might have been anticipated from the conditions under which they have been carried on, have proved wholly abortive. But to these matters we shall presently return.

The trouble in the Transvaal has been followed by a rebellion of the Matabele against the authority of the Chartered Company, which was attended by the massacre of a large number of European settlers with their families, and, at one time, seemed not unlikely to end in the capture of Bulawayo itself, but has now been practically suppressed by the almost superhuman exertions of the settlers and the remaining forces of the Company, aided by friendly natives and volunteers.

Hardly less important than these events are the steps that have been suddenly taken by the Government to extend the southern frontier of Egypt from Wady Halfa to Akasheh, in the first instance, and ultimately, it is believed, to Dongola or its neighbourhood, a movement that is the outcome of high political considerations, and is likely to lead to further developments of magnitude, to which we shall advert later on.

In connexion with these operations, it has been determined to send a contingent of Indian troops to Suakin, primarily to relieve the Egyptian garrison in that neighbourhood; and what may probably be considered the advance guard of this force, consisting partly of Bombay and partly of Bengal troops, to

the number of between two and three thousand, has already left Bombay for that place.

The coronation of the Czar; the assassination of the Shah of Persia; a change of ministries in France, and meetings between the German Emperor and the King of Italy at Venice and the German and Austrian Emperors at Vienna, where the Triple Alliance was renewed, are among the other important events of the period under review.

The negotiations which had been entered into between the Italians and King Menelek of Abyssinia, which it was at one time thought were likely to result in an understanding, have been broken off, owing, it is believed, to the refusal of Menelek to bind himself not to accept the protection of any other European Power; and it is rumoured that an alliance has been formed between the Abyssinian sovereign and the Dervishes which, should it endure, may forebode serious trouble to both Italy and England in the near future, but is not very likely to endure, even if it has really been made. On the other hand, active hostilities seem practically to have ceased for the moment; and the Abyssinians, who have always shown themselves wanting in staying power, have retired from Adowa to Shoa. In the meantime, the Italians have inflicted a severe defeat on the Dervishes who were besieging them at Kassala and have given up all idea of abandoning that place, if they ever entertained any. But they are said to have decided, very wisely, to evacuate Adigrat and limit their territory in Erythrea to the line between Marab and Belesa.

To return to Transvaal affairs, the trial of the Reform leaders at Pretoria, apart from the verdicts, and the unexpected severity of the sentences, has been attended by a sensational and highly embarrassing incident, the prosecution having put in a series of cipher telegrams between the defendants and Dr. Jameson, on the one hand, and their co-adjutors at Cape-town on the other, which not only show that Dr. Jameson's incursion into the Transvaal was the result of a conspiracy that had been long brewing, but create a strong presumption that Mr. Cecil Rhodes was cognisant of its existence, and justify some suspicion that, up to a certain point, at all events, he actively encouraged it. That he was actually a party to Dr. Jameson's final action, which, indeed, though it had been pre-arranged, with or without his cognisance, between the leading conspirators and the doctor, was ultimately carried out by that impulsive individual in opposition to their instructions, is not shown. On the contrary, there are indications that it was his refusal to countenance the plan of resorting to force that led the leaders to countermand the march of Dr. Jameson and brought about the break-down of the scheme

for a rising at Johannesburg. The true measure of Mr. Rhodes' guilt is probably accurately defined in the *Afrikander*, Hofmeyr's account of his reasons for breaking with his quondam friend and ally, *viz*, that, though occupying the responsible position of Premier of the Cape, he had concealed his knowledge of the conspiracy, however acquired, not only from the Transvaal Government, to which, indeed, he was under no obligations to impart it, but from his colleagues and from the High Commissioner; that, though he had received positive warnings of the projected invasion of the Transvaal, he left his own colleagues in the dark regarding it for a day and a half; that he took no steps to suspend Dr. Jameson or repudiate his action, and that, even after the exposure of the plot, he never censured its authors. To this it may be added that he apparently denied all knowledge of the plot to Mr. Chamberlain.

Under these circumstances, it came upon the public as a surprise, and upon the Boer Government as a revelation, fraught with menace for the future, when, on being questioned on the subject after the publication of the cipher telegrams, Mr. Chamberlain, while condemning the policy indicated in them, declared that it was men like Mr. Rhodes who had made the Empire, and practically condoned his offence, by announcing that "his proper place was Africa, where he could best atone for the past." This statement alone would have placed an insuperable obstacle in the way of a satisfactory understanding with the Boers, even if that had been otherwise attainable, and will confirm them in their determination to resist interference to the utmost, if not to refuse all concessions to the Uitlanders, and to continue to prepare for any eventuality. At the same time, it should be remembered, Mr. Chamberlain has promised that, when the pending trials were concluded, a Committee of both Houses shall be appointed to examine the whole situation, and it is possible that the result of this enquiry may pave the way for reconciliation.

As to the negotiations regarding the Uitlanders' grievances, they have, as we have said, come to a standstill. Worse than this, they have ended in the complete diplomatic discomfiture of Mr. Chamberlain. After what had happened, it could hardly have been expected that the Boer Government would have been prepared in any case to consider the claims of the Uitlanders very favorably. Unfortunately Mr. Chamberlain seems to have adopted a course eminently calculated to provoke a rebuff. Instead of being contented to state the case for redress and the arguments for granting it whether on grounds of justice or of policy, as strongly as possible—and they were capable of being stated very strongly—he was unwise enough to suggest a

quid pro quo. The measure of autonomy granted to the Boers, however, by the Convention of 1884 was so complete, that the only *quid pro quo* of any real value which he was in a position to offer them, was the relinquishment of the sole restriction imposed by it on their independence, *viz.*, the right of concluding treaties with foreign powers without the consent of the British Government. It was well known that the Boers ardently desired this concession, if they had not actually proposed it. But to grant it would be practically to abandon the suzerainty and to open the way to political complications which would seriously compromise the position of Great Britain in South Africa, and this is the one thing which the British Government is resolutely determined not to do. Rather, then, than appear to approach President Kruger empty-handed, Mr. Chamberlain made the fatal mistake of offering him two pretended boons, one of which he already possessed, and the other of which was the last thing he was likely to desire, *viz.*, a guarantee against attack on the independence of the Transvaal from within British territories, or the territory of any foreign Power. To this the Secretary of State at Pretoria is said to have replied that, "as the obligations and relations between the Republic and Great Britain, as recognised by international law, already exclude the danger of attack upon its independence from British dominions, this is tantamount to offering the republic something of which it is already in possession; while with regard to attack by a foreign Power, the Boer Government has never desired or required any such guarantee." For the rest, the President objects to discuss reforms, on the ground that Great Britain is debarred by the Convention from interfering in the internal administration of the Republic; but at the same time promises that friendly suggestions shall always receive consideration. As to the invitation to the President to visit England, he points to the necessity for his presence at the approaching meeting of the Volksraad as an objection to his accepting it at present, and suggests that it should not now be pressed. Under the circumstances, the invitation has been withdrawn, and Mr. Chamberlain has announced that, while the British Government will strictly fulfil their legal obligations, they will also strictly maintain their legal rights, and that the first object of British policy is to preserve our supremacy, which has been threatened, and the second to establish a union between the British and Dutch in South Africa.

As a consciousness of the extent to which he was compromised, or the fact that it had been discovered, led Mr. Cecil Rhodes to resign his Premiership, so Mr. Chamberlain's condonation of his conduct has led our agent in the Transvaal, Sir Jacobus de Wet, to resign his post; and it has also formed the

subject of a protest on the part of President Kruger. As regards the sentences on the Reform leaders, Mr. Chamberlain, presiding at an African dinner on the 21st ultimo, stated that he could not consider them entirely satisfactory, and had always regarded President Kruger as the last person to be animated by vindictive feelings towards men who, though they had erred grievously, had created the prosperity of the Transvaal.

The trial of Dr. Jameson is still proceeding.

The policy of the Government in the Soudan has been challenged on account of its vagueness, and a suspicion that it covers ulterior designs of great magnitude, and on the ground that it involves a mischievous waste of the resources of Egypt and grave risk of complications with other European Powers.

It formed the subject of a motion by Mr. John Morley, in the House of Commons, in Committee of Supply, to reduce the salary of the Foreign Secretary. Mr. Morley, referring to previous replies of Mr. Curzon to questions on the subject, and to certain telegrams read by him, accused the Government of not having treated the House with proper frankness and confidence; and contended that the evidence produced showed the existence of no such danger to the Egyptian frontier as could justify the advance. If the hypothesis of the Government, that Mahdism would be so stimulated by the defeat of the Italians at Adowa as to create a fresh source of danger to Egypt, was true, then, he argued, its military plans were absurdly inadequate. No definite account of the views and objects of the Government had been given. All that was clear was that the advance towards Dongola marked a new departure of some sort, and the inference was that its aim was the reconquest of the Soudan, which the Soudanese would resist with might and main. He further declared the Government of Egypt to be incompetent to administer the Soudan, and censured the Government for re-opening the Egyptian question without consulting the other Powers.

Mr. Chamberlain, in reply, remarked that the arguments of the opposition were tainted by the preconceived idea that it was the duty of the British Government to abandon Egypt, but denied that the advance in any way altered our position in that country. The present policy of Egypt was the defence of its frontier, a purpose for which the desert in front of Wady Halfa made it unsuitable. The defeat of the Italians at Adowa had created a new situation, and had increased a dangerous ferment among the Dervishes, while, if Kassala were to fall, the menace to Egypt would be of the gravest character. In fact, the interests of England and Italy in the matter were inseparable. Our advance would be limited by the security of the communi-

cations we could maintain, and by the nature and extent of the resistance we might encounter. The railway to Akasheh would provide the means of communication, and we should not give back to barbarism any territory we might recover for civilisation. On the other hand, the Government contemplated no gigantic military efforts, as their policy was confined to what they believed to be the immediate needs of Egypt. He also stated that their policy was supported by Germany, warmly approved by Austria, and cordially welcomed by Italy, while the ultimate attitude of France and Russia towards it was still a matter of negotiation. At a later stage of the debate, Mr. Curzon maintained that the projected movement was necessary to save Egypt from danger. No Government would evacuate Egypt until they had secured the country against the danger of external attack, against the danger of internal anarchy and disorder, and against the recurrence of native mal-administration. Surely no honourable member was prepared to assert that those conditions had yet been fulfilled. The proposed forward movement was inseparable from, and part of, the work we were undertaking in Egypt. Our task was not to rule Egypt, but to teach the Egyptians how to rule themselves. In that task, he declared, we should persevere until it had been accomplished, and the military expedition now contemplated would be one of the conditions and evidences of our success.

Subsequently Mr. Balfour, while denying that there was anything in the course they were taking that need excite the smallest suspicion or alarm on the part of any Frenchman, frankly admitted that the position of Egypt could never be regarded as satisfactory until its control over the Soudan had been re-established, and repeated Mr. Chamberlain's assurance that this was not an advance to be followed by a retreat. "Where they advanced, they meant to stay, and everything that was gained for Egypt by the expedition would be gained for ever." A division being taken, Mr. Morley's amendment was defeated by 288 to 145.

There need be no doubt that, in determining on this advance, the Government have a two-fold object in view. One of their objects is the substitution of a frontier which could not be attacked without warning, for one which is always exposed to sudden attack; the other is the destruction of the power of the Dervishes, which, as long as it lasts, is a standing menace to Egypt, besides being a curse to the country over which it extends, and a formidable obstacle to the suppression of the slave-trade. The first of these objects is immediate and absolute. But for the defeat of the Italians at Adowa and the movement of the Dervishes against Kassala, the steps necessary

for its attainment might have been deferred some time longer ; but it is probable that, in any case, they would have been taken sooner or later, independently of all question of a further advance, to Dongola, or beyond it. The second object is contingent, and may be remote. It is not necessary for the immediate safety of Egypt, but it is necessary for its permanent security, and it might at any moment become necessary for its safety. The present advance is defensible on its own merits, on purely strategical grounds ; but it holds out the additional advantage, that it will place England in a more favourable position for achieving the more remote object, should either the decay of the Dervish power favour, or its further development precipitate the necessity for, its accomplishment.

Whether, in either her own interests, or those of the Soudan, or even in those of Egypt itself, England would be justified in restoring to the latter country any greater extent of territory to the South of its late frontier than is absolutely necessary for strategical purposes, may be questioned, and it is very doubtful whether she has any intention of doing so.

A serious question has arisen as to the incidence of the cost connected with the employment of the Indian troops in Africa. The first statement of the Home Government on the subject was that, according to precedent, the ordinary charges would be defrayed by India, and that the question of the incidence of the extraordinary charges was under consideration. Subsequently, the sanction of Parliament being required for the expenditure from Indian revenues, Lord George Hamilton brought forward a resolution that the ordinary charges on account of the troops and vessels should be defrayed by India, but that, if it became necessary to replace them, Great Britain should bear the further cost. To this resolution amendments were moved by Messrs. John Morley and J. M. Maclean, to the effect that it was inexpedient to charge India with any portion of the expenses ; and a strong article in the same sense was published by the *Times*, in which the writer declared that the question was not a party one, but one of justice to India, and must be decided by the nation. If Parliament decided to end a practice which had grown into a wrong to India, the Government, he said, would doubtless yield, and he added that the decision arrived at on the question might do more to confirm or shake the loyalty of India than any action of Parliament since the Mutiny of 1857. At the instance of the Government of India, the discussion of the Resolution has since been postponed, pending the submission of their views.

The allusion to the Mutiny was, perhaps, neither very pertinent nor very judicious, but the question is one of great and increasing gravity, and it is surprising that, beyond the sub-

mission of representations on the subject by two native associations, one in Bombay and the other in Calcutta, no attempt has been made in this country to obtain an expression of public opinion regarding it, though that opinion is probably unanimous against the employment, at the cost of the people of India, of troops engaged in wars outside her borders and either unconnected, or only remotely connected, with her defence. In the present instance, it cannot be maintained that the object in view is one of any concern whatever to the people of this country.

The question of the Indian cotton duties has been again raised in the House of Commons by Sir William Wedderburn, who, on the 18th ultimo, moved the adjournment of the House for the purpose of calling attention to the matter, and suggested that, as a relief to the poorer classes, all cloths, whether Indian-made, or imported, which contained yarns of higher counts than twenties, should be exempted from duty. Lord George Hamilton, in reply, denied that cotton goods made from the lower counts were worn exclusively or mainly by the poorer classes, an obvious subterfuge; and intimated that existing arrangements could not be disturbed.

The main features of Sir Michael Hicks Beach's Budget are—that there is a surplus of £4,210,000 in the accounts of the past year, which is to be used to pay for naval works, while for the coming year no taxation is to be imposed or remitted. The revenue, it is estimated, will amount to £101,755,000, the expenditure to £100,047,000, leaving an estimated surplus of £1,708,000, which will be disposed of in the following way:—£100,000 in a re-adjustment of the Land-tax, £950,000 to relieve agricultural rates; and the remaining £433,000 in providing for a slight adjustment of the Death-duties, for extra grants for education, and for "margin."

The more important of the legislative measures introduced by the Government are a London Water Bill, introduced in the House of Lords; an Education Bill; an Irish Land Bill and an Agricultural Rating Bill.

The Education Bill which has passed its second reading by an overwhelming majority, proposes to raise the minimum age at which a child may leave school from eleven to twelve; to decentralise the work of the Education Office by handing over to an Education Committee, appointed by the County Council of each county, the duty of inspecting and criticising the schools in that county,—this Committee to contain a majority of county councillors, who may, however, be reinforced by a minority of persons interested in education, who have not been elected to the County Council, and to be charged with the duty of distributing a new grant of 4s. per child to all the

voluntary schools and the poorer Board-schools,—the grant to be spent in improving the salaries of the teachers and the character of the teaching generally. The pauper schools may also be handed over to the Education Authority, and the industrial schools are to be placed under them. These Education Authorities will be supervised by the Central Department, but they will be the main educational agent in each county. Any particular class of schools will be allowed to federate themselves, and to receive a lump-sum for the whole number of schools so associated. Finally, when a "reasonable" number of parents agree that they wish to have a particular kind of religious instruction given to their children, the Education Authority is to be empowered to make arrangements for their being taught their religious lessons by the accredited teachers of the particular Church which the parents have chosen.

The chief feature in the Irish Land Bill is that it extends the period for repayment by the tenant from forty-nine to seventy years; greatly simplifies the arrangement under which he can borrow money to redeem his "holding;" presumes all improvements made since 1850 to be tenants' improvements, unless the contrary is shown; simplifies procedure; provides for the offering of encumbered estates to tenants for purchase on easy terms, and confers on the Congested Districts' Board the right to borrow a million and a half for purchase purposes. The Agricultural Rating Bill, which has passed through the Committee stage, proposes to pay half the rates on agricultural land by means of an Imperial grant-in-aid.

The ministerial crisis in France, which ended in the resignation of the Bourgeois Cabinet, arose immediately out of the refusal of the Senate to vote the supplies for the garrisons in Madagascar, unless they were asked for by a Ministry in whom they had confidence, the real cause of the dissatisfaction of the Senate being, no doubt, the fiscal policy of the Government, and especially its Income-tax Bill. A moderate Ministry was eventually formed by M. Meline, who has announced that he will put down revolutionary designs, and oppose all projects of Revision, will substitute a tax on the sources of Income for the Income-tax, will proceed with the Bills dealing with labour, will undertake legislation in the agricultural interest, and will avoid barren and irritating questions—a programme in many respects closely resembling that of the present Unionist Ministry in England. The new Cabinet was promptly attacked by the Radicals, but secured a vote of confidence in a full house by a majority of 43.

The rumour that Russia is about to construct a railway from Merv to Kushk is confirmed. The line, which is to be on the broad gauge, will, it is understood, be about 132 miles in length,

terminating about 200 miles from Herat, in the direction of which place, however, there will be a narrow gauge extension for some hundred miles further.

The assassination of the Shah of Persia who was shot in a mosque near Teheran, while on a visit of devotion to the shrine of Shah Abdul Azim, was at first attributed to the Babis, but appears to have been the work of an assassin who was chosen for the purpose by a band of fanatics, of which he was a member, but to have been unconnected with that sect, or with any extensive political movement.

The deceased Shah has been succeeded by his second son, Prince Muzaffar-ud-Din, who was Governor of Azerbaijan, and is said to be a young man of good intelligence and amiable disposition, but of whom very little seems to be known. His elder brother, Zil ul Sultan, has shown no disposition to dispute the succession, which, beyond some confusion caused by bad characters at Shiraz, has been unattended by any serious public disturbance.

In India the period under review has been more than usually uneventful. Arrangements in Chitral and on the line of road thither are working favourably and apparently to the satisfaction of the people of the country and the tribes, and the annual relief of the garrisons has been carried out without any serious hitch or disturbance, though, at one time, it seemed likely to be misunderstood by the tribes. The demarcation of the Beluch Afghan boundary has been brought to a successful conclusion, as also has that of the boundary between Persia and Beluchistan; and the Mission has returned to India. The subjugation of Kafiristan by the Amir of Kabul has been practically completed by the operations of March last. The main features in the Amir's policy with reference to the new territory appear to be the deportation of part of the inhabitants to make room for military colonies of Afghans, and the construction of a military road through the country to Badakshan, on which the troops are actively engaged.

In Upper India the prolonged drought, which has been accompanied by intense heat, has been the distinguishing feature of the Quarter, as it was of that which preceded it. In Lower Bengal, where, however, it has been mitigated during the past month by seasonable showers, it has been attended, over considerable tracts of country, by a distressing scarcity of drinking water. The suffering thus occasioned has brought into prominence the question of the permanent improvement of the water supply of the Province, and proposals of an important character for accomplishing this have been formulated by the Local Government. The general idea of the scheme is to carry out the work through the agency of village unions, to which

such sums of money as can be spared will be made over for the purpose by the District Boards, and which will be further empowered, for the same purpose, with the sanction of the Commissioner, to levy a local rate on persons resident within the Union according to their circumstances and property. At the same time, it is suggested that the District Boards would be authorised to levy tolls on bridges and metalled roads constructed by them, till their cost has been recovered, and that the Unions should be empowered to levy fees for musical processions, a tax on marriages and a wheel tax. In order to improve the financial position of the District Boards so as to enable them the better to contribute to the work, the Local Government, offer to surrender to them the Ferry Fund receipts and to relieve them of all charges for educational and medical purposes, and possibly of the maintenance of some of the Provincial roads transferred to local management under the Acts of 1871 and 1880. Among the powers which it is proposed to confer on the Union Committees is the somewhat wide and arbitrary one of utilising, cleansing, or repairing any tank, well, stream, or water-course within the Union, and providing facilities for obtaining water therefrom, qualified only by the condition that they shall not interfere with rights of fishing or irrigation, or with the exclusive use of the water by the female members of the household.

Provisions are also proposed for the sanitation and improvement of the water-supply of insanitary villages not included in Unions, through the agency of a punchayet, elected by the inhabitants, with power, subject to the approval of the Magistrate, to raise the amount they may determine to be necessary for the purpose, by a tax on persons occupying houses or lands within the village, according to their circumstances and property, up to a maximum limit of Rs. 48 per head per annum.

The Financial Statement for 1896-97, which was laid before the Council on the 19th March, is a highly satisfactory document. Owing mainly to the improvement in exchange which occurred during the year, the Revised Estimates for 1895-96, after providing for an unexpected outlay, on account of the Chitral Expedition, Famine Insurance Grant and Provincial contributions restored, of more than two crores and a half, show a surplus of Rx. 9,51,000 in the place of the nominal surplus of Rx. 46,200, originally budgeted for, the total improvement in the ordinary revenue, including Rx. 1,436,300 under the head of exchange, having been Rx. 3,460,700. The estimates for the current year provide for a surplus of Rx. 463,000, exchange being taken at 1s. 1 $\frac{3}{4}$ d., a rate which has so far been exceeded, and the price of Opium at Rs. 1,300 per chest. The

Famine Grant has been restored, but is reduced to Rx. 1,000,000; a special grant of Rx. 495,000 is made for Army Mobilisation, and provision is made for expending Rx. 7,270,000 on railways during the year. A rupee loan of four crores is to be raised in India, probably on a three per cent. basis, and the amount for which the Secretary of State proposes to draw during the year is £16,500,000.

The Bengal Provincial Budget is even more satisfactory. The year 1895-96 was expected to close with a surplus of Rs. 12,29,000, in the place of an estimated deficit of Rs. 1,11,000, the chief causes of this favourable result being the restoration of the special contribution of three lakhs made to the Imperial Treasury in the preceding year; an unexpected increase of more than $4\frac{1}{2}$ lakhs in railway receipts, owing to the brisk traffic in jute; a diminution in the charges for exchange compensation allowance (nearly $1\frac{3}{4}$ lakhs), owing to the rise in the rate of exchange; a large increase of receipts under Jails, Marine and Miscellaneous, and minor improvements under almost all revenue heads.

The current year opens with a balance of Rs. 55,51,000; receipts are estimated at Rs. 4,46,36,000 and outgoings at Rs. 4,67,47,000, leaving a closing balance of Rs. 34,40,000. Of the increased expenditure, Rs. 13,51,000 is under Civil Works, Rs. 2,18,000 under Irrigation and Navigation, Rs. 1,26,000 under Judicial Courts, Rs. 1,09,000 under Land Revenue, Rs. 1,61,000 under Education, Rs. 1,28,000 under Medical, Rs. 90,000 under Forest, Rs. 51,000 under Salt, Rs. 37,000 under Marine, and Rs. 62,000 under superannuation charges.

Among the measures which have been introduced in the Bengal Council, the more important are a Bill to amend the Local Self-Government Act, a Bill to amend the Bengal Municipal Act, which have been referred to Select Committees, and a Bill to amend the Law relating to the Partition of Estates, which has been published for general information. The main object of the first two of these measures is to enable District Boards and Municipal Commissioners respectively to devote a portion of their funds to the provision of a veterinary staff and veterinary hospitals for the treatment of cattle and horses, and to the improvement of the breeds of these animals. The Bill to amend the Partition Law proposes, among other things, to withdraw the right to claim partition of an estate where it would result in the separate assessment of an estate with a revenue of Rs. 100 or less.

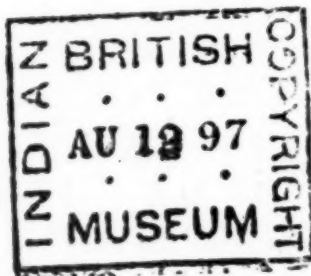
An unpleasant incident of the period under review has been a recrudescence of the cow-killing feud between Hindoos and Mahomedans in the neighbourhood of Calcutta. At Barrackpore and Serampore and in their neighbourhood, on the ap-

proach of the Bakr-Id festival, feeling on the subject ran so high, that it was thought necessary to hold troops in readiness to suppress a disturbance. At Serampore the festival passed off quietly; but at Titaghur, in spite of every precaution, a serious riot occurred in connection with the intended sacrifice of a cow by a Mahomedan of that place, and the assistance of troops from Barrackpore had to be called in to disperse the rioters, ten of whom sustained more or less serious injuries during the affair,

Our obituary includes, besides the name of the Shah of Persia, those of Major-General John Thacker; Archdeacon Denison; Mr. Thomas Hughes, Q. C., the author of *Tom Brown's School-days*; Lady Burton; Mr. George Richmond, R. A.; Rear Admiral Dawkins; Surgeon-General John Hendley, C.B.; Mrs. Elizabeth Rundle Charles; Major-General J. Lawson; Count Mattei; Mr. James Ashcroft Noble; Sir W. Stuart, K.C.M.G., C.B.; M. Tricoupi; M. Leon Say; M. Cernuschi; Baron de Hirsch; the Marquis of Bath; Mr. Arthur Cecil, actor; Sir Henry Parkes; Mr. A. Allardyce, journalist; Colonel J. T. North, popularly known as the Nitrate King; Professor Geffcken; Mr. A. W. Hunt, artist, and Archduke Charles Louis, of Austria.

J. W. F.

June, 6, 1896.



CRITICAL NOTICES.

A History of the Deccan. By J. D. B. GRIBBLE, in two Volumes, with Portraits, Maps, Plates and Illustrations. LONDON, LUZAC AND CO. (Publishers to the India Office.) 1896.

Vol. I.

THE Deccan, which is a corruption of *Dakkhin*, the right, or south, may be roughly described as that portion of the peninsula of India which lies south of the Vindhya Mountains and the River Godavery, and extends as far as the Tungabadhra and Kistna Rivers ; being bounded on the East and West by the Ghats or mountain ranges which skirt the sea coast on either side. Of the history of this large tract of country prior to the Mahomedan invasion, there is no authentic record, beyond inscriptions and architectural remains, although it contained rich and flourishing kingdoms ; and, even after it fell under the sway of the Mahomedans, it has no "connected or continuous history ;" the general histories of India giving but a broad outline of the period of Mahomedan rule in the Deccan. It is to fill up this outline that Mr. Gribble has written the book before us ; in a word, to do for Hyderabad and the kingdoms which preceded it, what Tod has done for Rajasthan, Wilks for Mysore and Grant Duff for Maharashtra.

"I have endeavoured," he tells us, "to collect the fragments to be found in the various histories, and to piece them together, so as to form a connected history of the Deccan from the commencement of the 14th century up to the establishment of the present dynasty. This period of nearly 400 years is full of the most interesting and romantic episodes."

What the author has undertaken to do, he has done well. He has made good use of the materials furnished by Ferishta, the Persian historian, by Elliot and Dowson, and by the Gazetteers of the Bombay Government, and has also laid under contribution minor sources of information which are duly indicated. The get-up of the book is very attractive ; the quality of the paper and character of the type leaving nothing to be wished for. The engravings are beautiful, both of persons and places, including a fine likeness of the present Nizam of Hyderabad, and specimens of Hindu and Mahomedan architecture which afford a striking idea of the countries in which the events narrated occurred. A detailed list of the illustrations, maps, plans and genealogical tables, is promised at the end of the 2nd volume.

It has been said with truth that the Moghul invasions of the South of India were almost invariably for purposes of plunder ; but the story of the first entrance of Mahomedans into the Deccan, as given by Mr. Gribble, is a disgraceful record of the most barefaced robbery. During the thirteenth century, the country was occupied by Hindu kingdoms, the two Northernmost of which had their capitals at Deogiri (afterwards Dowlutabad) and Warangal. There can be no doubt that these kingdoms were great and powerful, the ruins that remain attesting their progress in civilization. The caves of Ellora and Ajunda shew how far the art of architecture had advanced ; and the remains of tanks and channels in Warangal prove what attention was paid to agriculture. In both the capital cities there were almost fabulous accumulations of gold and precious stones, and countless elephants.

"The people appear," says Mr. Gribble, "to have been brave, happy and prosperous, and from west to east there were scattered about numerous holy shrines which brought together thousands of pilgrims. It was this wealth that attracted the cupidity of the Mahomedans."

Towards the close of the 13th century, Ala-ud-Din, Moslem Governor of Bengal, who had heard of the wealth of the Hindu cities, determined, on the pretext of religion, to plunder them, with a view to use the riches he would obtain, in gaining the throne of his father-in-law, Jelal-ud-Din, Sultan of Delhi. Accordingly he marched southwards with a large army ; and, after defeating the forces of the Hindu King, Ram Deo, besieged the hill-fortress of Deogiri. The Rajah capitulated, and agreed to give up an immense amount of treasure, gold, jewels and elephants. With the aid of these riches, Ala-ud-Din proceeded to accomplish his nefarious purpose. Then followed an act of treachery which is described, in detail, in the words of the Mahomedan historian, Barni, and, like many an extract given in this book, presents a vivid picture of the tragedy which followed. The Emperor was decoyed into the head-quarters of his son-in-law's army, and ruthlessly murdered. The murderer succeeded in mounting the throne of Delhi, and thence, in 1308 A. D., sent an army to clear Deogiri of its remaining wealth. The city was taken, with an immense amount of treasure, and the King and his family were sent captives to Delhi. In the following year, 1309, an expedition was sent to Warangal, the capital of the Hindu kingdom of Telingana, where were gold and diamond mines. After a succession of sieges, this city was finally sacked and destroyed. The plunder obtained from these expeditions tempted the Sultan to despatch another to the regions further South. Malik Kafur, the general who conquered Warangal, being employed destroying and sacking towns and temples, proceeded as far as Madura, which shared the

same fate, and is said to have yielded 512 elephants, 5,000 horses and 500 maunds* of jewels of every description—"diamonds, pearls, emeralds and rubies." All this plunder led to crime. The murderer, Ala-ud-Din, was himself put to death by Malik Kafur, who also put out the eyes of his two sons, and seized the throne, only to be, in his turn, killed as the result of a conspiracy which issued in Mubarak Khan, another son of Ala-ud-Din, ascending the throne of Delhi under the title of Sultan Kutb-ud-Din.

The two Hindu kingdoms of Warangal and Deogiri being destroyed, and Mahomedan rule substituted, the Hindus, driven away from Telingana, passed over the river Tunganadra, and founded a new kingdom at Vijayanagar, which proved, for 250 years, a bulwark against further invasion. After an introduction, which gives in detail what we have briefly summarised, Mr. Gribble traces the origin of the Bahmanee kings of Gulburga, and the rise of the Hindu kingdom of Vijayanagar. The founder of the Bahmanee kingdom, which was the first and largest Moslem kingdom in the Deccan of the past, was a man called Hassan. He was born in very humble circumstances, and was for thirty years a field labourer in the employ of a Brahmin of Delhi, named *Gangu*. While at work with his plough, he came upon a buried earthen vessel full of antique gold coins, which he carried to his master, who informed the Sultan Ghazi-ud-Din of the discovered treasure. This act of honesty led to his being appointed to the command of one hundred horse. On this the Brahmin, who was one of the royal astrologers, cast his horoscope, and found that Hassan would one day become a King, and asked him to adopt his own name.—His good fortune was also predicted by a celebrated Mahomedan saint, Sheikh Nizam-ud-Din. When the Emperor Mahomed Tughlak Shah resolved to change his capital from Delhi to Dowlutabad, which was effected by wholesale transference, not gradual removal, of the inhabitants of Delhi to Deogiri, he appointed one Kuttulugh Khan to be Governor of that place, and allowed him to select his own officers, one of whom was Hassan Gangu, who accompanied his new master to Dowlutabad, where he was assigned, as a jaghir, the "town of Konechee, with lands dependent on the district of Roybaugh." The mad enterprises on which the Emperor Mahomed Tughlak Shah launched, led to general discontent and revolt of province after province in his dominions, in which was ultimately involved the faithful province of Dowlutabad, where were situated Hassan Gangu's or Kangoh's jaghirs. He had prepared himself for meeting the chances of war by collecting an army. After a battle at Bieder, where the

* A mauud of S. India is equal to 28 lbs.

Emperor's forces were utterly defeated, he marched to Dowlutabad with a view to join his forces to those of an Afghan Chief named Ishmael, who had been declared, by certain revolting nobles, the first Sultan of the Deccan. The newly created Sultan, Nusrud-din, however, who was an old man, seeing that the whole army looked up to Hassan as its natural leader, wisely resolved to surrender the government of the nascent kingdom into his hands. Hassan was accordingly raised to the throne under the title of Sultan Ala-ud-Din, Hassan Kangoh Bahmanee (A.D. 1347.)

"Such was the commencement of the dynasty of the Bahmanee Sultans of Gulburga, for this was the capital of the new kingdom. In the succeeding chapters, we shall see to what an extraordinary height of prosperity this kingdom quickly rose, under the wise and just rule of Sultan Alla-ud-Din, the former servant of the Brahmin astrologer. Amongst the Mahomedans, more than any other nation, there are to be found instances of a romantic and adventurous life, but even amongst Mahomedans there are but few examples of such a wonderful change of fortune, and still rarer are the instances where the success was unstained by cruelty. Sultan Alla-ud Din was now 57 years of age, and he had still eleven years before him in which to finish the work which he had thus gloriously commenced."

The succeeding chapters give the history of the Gulburga Sultans until the termination of the house of Bahmanee, after the removal of the capital from Gulburga to Bieder. This closes the first part of the book. Part two deals with the history of the several kingdoms, Bijapur, Ahmednagar, Berar, Bieder and Golconda, into which the Bahmanee kingdom was resolved, and ends with the fall of Golconda in A.D. 1686. Part three describes *An Empire in Ruins*, or the effects of the policy of Aurungzebe, and the birth of the new kingdom of Hyderabad. The history of the Nizam's dominions is promised in the next volume. But this bare sketch of the course of the narration gives not the faintest idea of the exciting and interesting character of the tale that is told by Mr. Gribble. As he observes in the extract given above, Mahomedan history abounds with instances of romantic and adventurous life. Like unto the strange narrative of the rise of Hassan Kangoh, of which we have given the main incidents, is the account given of the first Bijapur Sultan, Yusuf Adil Shah. And what can surpass "the story of Queen Chand" of Ahmednagar, whom Meadows Taylor has immortalized as "A Noble Queen" in his historic romance bearing that title? Mr. Gribble, as he tells us, has made use (a most legitimate and proper use, we think) of the Colonel's work, and also given us authentic details of her public life. A few such noble examples redeem the history of Mahomedan rule in the Deccan from the abhorrence and contempt which it would otherwise justly deserve. For the heart sickens at the record of causeless invasion, revolting

massacre and unscrupulous pillage ; of oppression and wrong ; of usurpation, Court intrigues and treachery, with which the faithful chronicler feels bound to furnish posterity. The beneficent reigns of such sovereigns as Hassan Kangoh, Adil Shah and Queen Chand, are merely relieving touches in a gloomy picture of bloodshed and debauchery presented by the lives of the Mahomedan sovereigns of the Deccan. Although not directly included in the compass of his undertaking, Mr. Gribble devotes a couple of chapters, not the least interesting in his book, to an account of the Hindu city and Kingdom of Vijayanagar, and to the story of their fall. Among the illustrations, too, are beautiful specimens of Hindu architecture, which do not suffer in comparison with Mahomedan works of the same nature. A glimpse is also afforded of Hindu civilization before the ruthless inroads of the Moslem invaders. Mr. Gribble has also furnished us with genealogical tables of the several royal dynasties which ruled in the Deccan, and, in an Appendix, with a descriptive account of Bijapur, the mistress of that region for near two centuries ; and, if we do not find such information as modern historians afford, regarding the life and manners of the people, their moral and social condition, or the state of literature, science and arts, we cannot blame the accomplished author, who has made the most of the materials at his command, and produced not only a valuable work of its kind, but a most readable and fascinating contribution to history.

Studies in Economics.—By William Smart, M.A., L.L.D., Lecturer on Political Economy in the University of Glasgow. London : Macmillan and Co., 1895.

BESIDES exhibiting great acuteness of reasoning, along with a thorough grasp of their subject, these studies of Professor Smart's possess the two-fold merit of complete freedom from bias and appositeness to the special needs of the time. They all either deal immediately, or connect themselves more or less nearly, with one or another of the burning economic questions of the day—the question of a living wage ; of women's wages ; of the course of prices and the import of low prices ; of the socialisation of consumption, and the like.

Professor Smart's economic views are based on the conception of the cost price of labour as determining value. This cost price, however, is not arbitrary ; it is the cost of the factors of production, as determined by the value which consumers place upon the product relatively to other products. In any given time the labour of a community, working with its capital on its natural resources, produces the National Dividend—produces, in other words, an income in the shape of goods and

services which, when divided, leaves the community to begin the next year in the same financial position as it was. It is this national dividend which gives their value to the land, the capital and the labour which produce it; and the aggregate value of these factors cannot exceed the dividend. Unless, therefore, the dividend is increased, the relative value of any of the factors can increase only at the expense of some other or other factors. There is thus an inflexible limit to the rise of wages and profits. The popular conception that the pocket of the public, as paymaster, is bottomless, is a fallacy. All that it has to pay with is the dividend—the aggregate total of new wealth produced. If it spends more of that dividend on one thing, it must spend less on another.

“Suppose,” says the author, “that an employer who has the somewhat rare power of making his own price, is misled by argument that he may raise his prices a little higher and so give his workers more wage without reducing his own profit; and suppose his example was followed over the whole of this particular trade. All the workers are now getting more wage. Probably it escapes them that whoever buys the goods they produce has to pay more. But another trade follows suit, and its workers are made happy by an increase in their wage. Now, perhaps, the workers in both trades awake to the fact that they have to pay more than they did for two classes of the goods they buy. Possibly, however, this is concealed from them, if they are engaged in making things which only the rich buy,—and, of course, they never see that, with every rise in price, there is always a falling off in demand even from the rich. Pass now over intermediate stages. Suppose there has come a good time when every trade is brisk. Every group of workers expects a rise of wage, and, rather than check the upward course of trade, the employers do not contest it. Then at length it is borne in upon the workers that, while they get more for all the goods they make, they are paying more for all the goods they buy. If the rise in wage and the rise in price are equal, what advantage have the workers got? Evidently, then, if any class of wages rise solely on account of a rise in price, it is a re-arrangement—a re-distribution—of the national dividend; there being no increase of the dividend, it is gained only as some one loses, or, universalised, cancels itself. *Price reflects only the rates of exchanges between commodity, and commodity, and no juggling with price will bring something out of nothing.*” The italics are ours. This rate of exchange between commodity and commodity is determined by the world of consumers, though not, of course, by a conscious exercise of its judgment, but through the force of circumstances. First, the rates of wages and profit obtainable by the employ-

ment of labour and capital in the primal industry of agriculture, or, in other words, the produce of such industry distributed between labour and capital, determine the minimum rates of wages and interest on capital employed in the earliest manufacture substituted for it, and enter into the new manufactures as cost. And if labour and capital have succeeded in obtaining higher rates in the new industry, then these higher rates in their turn will determine the minimum rates of remuneration at which labour and capital can be transferred to a third industry, and so on. "Cost," in short, gives its value to goods, because it first gets this value from other goods and can continue to get it. This is what the author calls the re-conduction of value.

One of the conclusions which he draws from these considerations is, that it is a fallacy to suppose that workers can extort a higher wage by mere insistence. The cost of the worker, on which he has a right to insist, and which it is no injustice to any one else, worker or employer, that he should obtain, is not what he eats and drinks and spends on amusement and the like, but what he produces. It follows that, any trade union regulation which takes the shape of putting restrictions on labour, and so decreasing product, is, in the long run, economically prejudicial to the working classes themselves, though, in certain cases, as where a short-sighted avarice tends to make people work too long hours or to sacrifice the health of women or the education of children, for the sake of a larger product, it may be justifiable on other grounds.

Particularly instructive is what Professor Smart has to say about the "living wage" cry.—

Taking the term as meaning not a mere physical subsistence, but a minimum wage based on the present high level of national wealth, and depending on the habits and customs of the people, he proceeds to discuss its possibility; and his conclusion is that, while it is theoretically possible, in so far as the national dividend would allow of at least a "living wage"—or, as he estimates it, 24s. per family per week—to the poorest of the working classes, and yet leave two-thirds of the working classes an average of £2 a week; the trades classes an average of £150 a year; the middle classes an average of £400, and the upper classes an average of £2,000 a year, yet it is practically impossible.

The case is worked out with special reference to the colliers alone; but the arguments are applicable to other industries in which the play of supply and demand has fixed wages at less than the so-called living wage. Supposing that, whether as a result of legislation, or through the pressure of the unions, or in some other way, such a wage were imposed upon masters:

One result would inevitably follow. Masters would immediately weed the pits of all who were not worth the wage. So far as the miners are concerned, it would mean simply the survival of the fittest; and the problem would be transferred to the other industries which the unfit labour would necessarily invade.

When the connection between wage of labour and price of product comes to be considered, it will appear still more clearly that the proposal does not meet the problem. The impression that a person who works fairly with his hands earns at least his maintenance loses such warranty as it otherwise possesses, when he works at producing something which the world does not desire. The miner depends for his wage on the price of the coal, and the price of coal depends on the consumer. The greater part of the demand, moreover, comes, not from the householder, who would pay a much higher price than the average, rather than do without a necessary, but from industries into which its price enters as a "cost" of production; and they cannot pay more than they can get back by the selling prices of the goods produced, after deducting other costs and profits. But the price of these goods, which are largely exported, is regulated by the competition of every nation which manufactures similar goods. This necessarily puts a limit to the price they can pay for coal. In short, the producer of coal cannot dictate his prices. If the cost of production exceeds a certain figure, "some of the British industries, which are based on coal, stop, and the demand for coal to that extent stops also." Even an international agreement would not secure the British miner. For each nation would naturally claim to fix its "living wage" on the basis of its own customary level of living, and in the case of many producers that would be far below the British workman's "living wage" of 24s.

Admirable as, in most respects, these studies are, they suffer in some cases from defects of style, which interfere with their clearness. Professor Smart lacks the gift of logical method and conciseness so conspicuous in the writings of our great economists. He is at his best, it seems to us, in the papers on cost and wages; at his worst, in point, not of matter, but of manner, in those on money and prices. As an example of inordinate diffuseness, it would be hard to beat the twenty-six pages devoted to an exposition of the tendency of prices to fall, owing to the fact that the "national dividend" increases in a greater ratio than the quantity of money, and of the fallacy of the notion that low prices are synonymous with comparative well-being. In the case of the former truth, depending, as it does, upon a *posteriori* reasoning, diffuseness is, perhaps, excusable. But the latter could surely have been

convincingly stated in twenty lines. It seems self-evident that, if the quantity of new wealth produced increases in a greater ratio than population, the world is economically better off than before, whether money simultaneously increases in a greater or less ratio, or not at all; and that, similarly, if the ratio of the world's "dividend" to population is diminished, then the world is economically worse off than before, no matter what happens to money. Yet, in the former case, if the quantity of available money increases in a greater ratio than the world's dividend, the general level of prices will rise, while, in the latter case, if the ratio between the quantity of available money and the world's dividend is diminished, the level of prices will fall. In other words, dearness in the one case will be synonymous with an increase, and cheapness in the other with a diminution, of economic well-being.

The Courtship of Morrice Buckler: A Romance. By A. E. W. Mason. Macmillan & Co., London and New York.

WE do not remember, during our wanderings in the realms of fiction, to have encountered Mr. A. E. W. Mason before, and believe we are right in regarding him as a comparatively new hand in that particular branch of imaginative writing which we may call *pseudo-historical*, and which is, at the present moment, so ably represented by Dr. Conan Doyle and Mr. Stanley Weyman, to whom, if we may judge by the book now under review, he will prove himself a very worthy, if not formidable, rival.

"The Courtship of Morrice Buckler" purports to be the record of "the growth of an English gentleman, under strange and difficult circumstances," during the years immediately following Monmouth's rebellion, when Judge Jeffries was still holding his "Bloody Assizes,"—written by himself and edited by Mr. Mason, who has contrived to weave together the materials of the strange and stirring narrative with so much freshness and vigour that it will, if we are not mistaken, prove very fascinating reading to lovers of tales of adventure; and presenting, as it does, a delightful contrast to the generality of present day novels, will act as a wholesome tonic to the jaded reader who is suffering from a long course of neurotic fiction. There is a delightful old-fashioned flavour about the book which, in these days, is quite refreshing; the writer's style is simple and picturesque; he possesses, moreover, the gift of vivid description to an unusual degree, and this will atone, with a great many of his readers, for a certain lack of *vraisemblance* in some of his incidents, which might otherwise appear a trifle forced and unnatural. The scene of the principal events in the story is laid in the Austrian Tyrol, and it is in an old

fortress-like castle, almost hidden among the mountains of that romantic region, that occurs the incident round which most of the subsequent action turns, a description of which will serve to give an idea of the quality that most commands our admiration.

Through the doorway, holding a lighted candle above her head, Countess Lukstein advanced noiselessly into the room. Her eyes, dark and dilated, were fixed upon mine; still she spoke never a word. She seemed not to perceive her husband; she seemed not even to see me, into whose face she gazed. 'Twas as though she was looking through me, at something that stood in the window behind my head.

The Count, recovering from my assault, rushed at me again. I made a few passes, thinking that my brain would crack. I could feel her eyes burning into mine. I was certain that some one *was* behind me, and I experienced an almost irresistible desire to turn my head and discover who it might be. The strain had become intolerable. There was just room for me to leap backwards.

"Look!" I gasped, and I leaned back against the window-pane, clutching at the folds of the curtain for support.

Count Lukstein turned; the woman was close behind him. A couple of paces more, and she must have touched him. He dropped his sword-point and stepped quickly aside.

"My God!" he said in a hoarse whisper. "She is asleep!"

* * * * *

"'Tis not the first time this has happened, I am told," said he, and as I looked at him inquiringly, he added, very softly: "We were only married to-day."

"Only to-day," I exclaimed, and, not noticing where I trod, I stumbled over a wolf-skin that lay on the floor with the head attached. My foot slipped on the polished boards beside it, and I fell upon my left knee. The Count stopped and faced me, an ugly smile suddenly flashing about his mouth. I saw him draw back his arm as I was rising. I dropped again upon hand and knee, and his sword whizzed an inch above my shoulder. I was still holding my own sword in my right hand, and or ever he could recover I lunged upwards at his breast with all my force, springing from the ground as I lunged, to drive the thrust home. The blade pierced through his body until the hilt rang against the buttons of his coat. He fell backwards heavily, and I let go of my sword. The point stuck in the floor behind him as he fell, and he slid down the blade on to the ground. Something dropped from his hand and rolled away into a corner, where it lay shining. I gave no thought to that, however, but glanced through the window. To my horror I saw that Countess Lukstein was already returning across the lawn. The Count had fallen across the window, blocking it. I plucked my sword free, and lugged the body into the curtains at the side, cowering down myself behind it. I had just time to gather up his legs and so leave the entrance clear, when she stepped over the sill. A little stream of blood was running towards her, and I was seized with a mad terror lest it should reach her feet. She moved so slowly and the stream ran so quickly. Every moment I expected to see the white of her slippers grow red with the stain of it. But she passed beyond the line of its channel just a second before it reached so far. With the same even and steady gait she recrossed the room and turned into the little stairway, latching the door behind her.

Whether the behaviour of the beautiful countess is consis-

tent or natural throughout, is open to doubt, and is a question that may be left to the judgment and experience of individual readers, but, in viewing the cruel and treacherous treatment which she deals out to Morrice Buckler when she has succeeded in getting him entirely into her power, it is impossible to resist the impression that she is actuated less by a sense of loyalty to her murdered husband which impels her to avenge his death, than by an access of spite induced by an unreasoning jealousy which cannot brook the suspicion that her lover had ever lifted his eyes to another woman, even before he knew of her own existence.

To disclose, however, anything further of the plot, which is extremely simple, would not be fair to the author; nor would we diminish the pleasure with which the reader will follow the fortunes and hair-breadth escapes of the hero, and the vagaries of his capricious mistress, by telling him more than will serve to whet his appetite for an unusually interesting book.

A Sweet Disorder. By NORMA LORIMER. Macmillan & Co. London and New York, 1896.

IN "A Sweet Disorder," Norma Lorimer, who will be familiar to many of our readers as a writer of short sketches for the London Press, has presented us with the not very novel picture of two young girls lacking almost everything of this world's goods but beauty and brains, launched into the modern Babylon in search of the means of making an honest livelihood. It need hardly be said that the latter gift serves them in good stead, and that, after many ups and downs, they find not only the wherewithal to buy bread and cheese, but, eventually, satisfactory husbands to relieve them of this and other cares.

The story of their trials and triumphs is, if not of a very exciting order, simply and pleasantly told, and there is a certain pathos in the episode of the blind lover recovering his sight, to find that the woman he had loved under the impression, given and fostered by herself, that she was more than commonly plain, is of surpassing beauty. But there are, throughout the book, traces here and there, of the "prentice hand," which fact encourages us to point out to the writer, who, if we are not deceived, is still young enough to profit by well meant criticism, that, if she wishes to attain to any degree of excellence of style, she must, in future, avoid such sentences as, "like poor old Scully used to do," "Has any one looked if there are any letters in the box?" and the like, which may be English, but are certainly not grammar.

From the Upanishads. By Charles Johnston, B. C. S., Retd., M. R. A. S., Dublin, Whaley, 1896.

IN this little brochure Mr. Johnston has given us literal translations into English of three of the most striking passages in the Upanishads, passages which, he tells us in his preface, he has found "wise, beyond all others ; and, beyond all others, filled with that very light which makes all things new ; the light discovered first within, in the secret place of the heart, and which, brimming over there, fills the whole of life, lightening every dark and clouded way." These are the story of Nachiketas, the sacrificer's son, in the House of Death, from the Katha Upanishad ; "A Vedic Master," from the Prashna Upanishad, and "That Thou Art," from the Chhandogya Upanishad.

The work is excellently well done ; but whether, in the absence of any attempt at exegesis, it is likely to convey much meaning to the general reader, may, perhaps, be doubted. Apart from the mere difficulty of the subject-matter, which, for ordinarily constituted minds, is insuperable, the method of the Hindu philosophers is a serious stumbling-block to any one who approaches their works without special preparation. Not only is the language highly metaphorical, but the metaphors employed are based, oftener than not, on relations, or views of relations, quite foreign to Western conceptions. There are probably very few people, other than Sanskrit scholars, who will find half a dozen consecutive sentences of these translations wholly intelligible to them without a commentary. This the translator was thoroughly competent to give ; and his work would have been much more useful, had he either done so, or given his readers a paraphrase, instead of a literal translation, of the originals.

At the Sign of the Cat and Racket (La Maison du Chat qui Pelote). By H. de Balzac. Translated by Clara Bell ; with a Preface by George Saintsbury. London : Macmillan and Co., 1896.

Eugenie Grandet. By H. de Balzac. Translated by Ellen Marriage ; with a Preface by George Saintsbury. London : Macmillan and Co., 1896.

The Chouans. (Les Chouans). By H. de Balzac. Translated by Ellen Marriage ; with a Preface by George Saintsbury. London : Macmillan and Co., 1896.

Messrs. Macmillan and Co. are doing a valuable service to the English-reading world in making the *Comedie Humaine* of Balzac, of which these volumes are instalments, accessible to them in their own language.

Criticism of the originals, which, though of unequal merit, have been stamped by the verdict of the world as classics, would be an anachronism. As descriptions of French life in its more typical aspects ; as examples of the union of profound insight with a simplicity bordering at times on naiveté ; of realism with elevation of purpose, and, for the most part, delicacy of expression, they possess almost unique merit. At the head of them all, whether for grace and pathos, or for vividness of pictorial effect, we are inclined to place *La Maison du Chat qui Pelote*, though for characterisation it must yield place to others of the stories, *Eugenie Grandet*, among them, in spite of certain exaggerations.

The translations are generally excellent, though here and there the just word is missed, as in the opening sentence of *La Bourse* :—" For souls to whom *effusiveness* is easy, there is " a delicious hour that falls when it is not yet night, but is no " longer day ; the twilight gleam throws softened lights or " tricky reflections on every object, and favours a dreamy " mood which vaguely lends itself to the play of light and " shade."

" Story," too, for *storey*, is a lapse in orthography, which should not have escaped the corrector.

Mr. Saintsbury's prefaces are always pertinent and informing.

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